

2005



SUMMARY *of* New Laws



from
State Senator
Teresa Lubbers

**FIRST REGULAR SESSION OF THE
114TH
INDIANA GENERAL ASSEMBLY
2005**

SUMMARY OF NEW LAWS

PREPARED BY THE SENATE MAJORITY ATTORNEY'S OFFICE

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PREFACE

This document is a comprehensive Summary of Laws passed by the 2005 General Assembly, including the 246 bills passed (163 Senate Bills and 83 House Bills) during the Legislative Session completed on April 29, 2005. These bills have been categorized by general subject matter, as listed in the Table of Contents. The Index at the back of this document lists all Senate and House bills in numerical order and notes the page number for each bill.

Many of the bills passed could have been categorized under several related headings in the Summary. In order to limit the length of the Summary book, the complete digest has been included under only one heading, and a cross reference to the bill has been included under additional related topic headings. These other bills are noted by bill number, with the subject area under which they appear in the Summary noted in brackets below the bill number and brief description.

For purposes of this Summary, we have listed only the first and second author(s) or sponsor(s) for each bill. Additional Senators and Representatives who co-authored or co-sponsored the bill are not reflected here but can be found under "Bills and Resolutions" on the General Assembly home page or by contacting the Legislative Information Center.

For further information concerning laws passed, please contact either the Senate Majority Attorney's Office at (317) 232-9415 or the Legislative Information Center of the Legislative Services Agency at (317) 232-9856 or visit the General Assembly home page at <http://www.in.gov/legislative>.

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AGRICULTURE

See also:

SB 267: Agriculture nuisance actions.

[Property]

SB 527: Board of animal health and cervidae issues.

[Natural Resources]

HB 1431: Clean water funding, agriculture and wetlands.

[Environment]

Senate Bill 89 (Public Law 148-2005)

Authors: Jackman, Gard

Sponsor: Cherry

Citations Affected: IC 9-19; 9-21

Effective: July 1, 2005

Lighting and marking of agricultural equipment. Provides that an implement of husbandry or a farm tractor manufactured after June 30, 2006, must be fitted with equipment that meets certain national standards when operated on a highway. Requires the criminal justice institute to adopt rules for the design of a slow moving vehicle emblem.

Senate Bill 465 (Public Law 16-2005)

Author: Steele

Sponsor: Gutwein

Citations Affected: IC 15-2.1

Effective: Upon Passage (April 11, 2005)

Use of cattle guards. Provides that the law that prohibits allowing livestock to run at large does not apply when a person's livestock is on property through which a county highway passes, if the county executive of a county with a population of less than 50,000 has granted permission for the property to have cattle guards or other devices.

House Bill 1008 (Public Law 83-2005)

Author: Gutwein

Sponsors: Jackman, Nugent

Citations Affected: IC 4-4; 5-28; 15-7; 15-9

Effective: Upon Passage (April 25, 2005)

Department of agriculture; office of rural affairs. Provides that the lieutenant governor is the secretary of agriculture and rural development. Establishes the office of rural affairs. Establishes the department of agriculture. Transfers the functions of various state agencies relating to agriculture to the department of agriculture. Moves the soil and conservation division from the department of natural resources to the department of agriculture. Changes a reference to the community focus fund and the community focus fund planning grant to the community development block grant program. Makes change to conform to the passage of HB 1003.

House Bill 1302 (Public Law 40-2005)

Author: Gutwein

Sponsors: Jackman, Heinold

Citations Affected: IC 15-4

Effective: July 1, 2005

Regulation of seeds. Prohibits a political subdivision from regulating the storage and use of seeds unless the political subdivision is granted a waiver by the state seed commissioner.

ALCOHOL AND TOBACCO

See also:

HB 1315: Operation of off-road vehicle under the influence of an alcoholic beverage.

[Motor Vehicles]

HB 1120: Alcoholic beverage permits in historic districts.

[Economic Development]

Senate Bill 282 (Public Law 155-2005)

Authors: Long, Broden

Sponsor: Borrer

Citations Affected: IC 7.1-3

Effective: Upon Passage (May 6, 2005); July 1, 2005

Municipal riverfront development projects. Allows a municipal riverfront development project to be located in certain community revitalization enhancement districts. Allows the alcohol and tobacco commission (commission) to issue ten three-way, two-way, or one-way alcoholic beverage permits to restaurants located: (1) in a historic district in a city or town; or (2) not more than 500 feet from the historic district; if the historic district meets certain requirements. Provides that an applicant is not eligible for a permit if, less than two (2) years before the date of the application, the applicant sold a retailer's permit that was subject to a quota for premises within the historic district or within 500 feet of the district. Prohibits a permit issued under these provisions from being transferred. Requires the legislative body of the city or town to recommend sites to the commission that are eligible to be permit premises. Requires the commission to consider the recommendation of the municipal legislative body in issuing a permit, but does not require the commission to follow the recommendation of the municipal legislative body in issuing the permit.

Senate Bill 379 (Public Law 160-2005)

Author: Weatherwax

Sponsor: Cherry

Citations Affected: IC 24-3; 24-4; 34-24

Effective: July 1, 2005

Delivery sales of tobacco products. Restricts the shipping of cigarettes to Indiana residents. Excludes cigars and pipe tobacco from the definition of "tobacco product". Provides that a merchant other than a cigarette manufacturer may make a drop shipment of tobacco products through a distributor. Requires cigarette importers and manufacturers to obtain licenses from the alcohol and tobacco commission. Specifies to and from whom distributors, importers, manufacturers, and retailers may sell and receive cigarettes. Requires importers and manufacturers to maintain documentation concerning certain cigarette transactions. Imposes a monetary penalty for violations. Provides for public and private rights of action. Prohibits the importation for personal use of cigarettes of a manufacturer or brand family that is not listed in a certified directory. Makes technical corrections. Adds cigarettes and other tobacco products to items that may not be offered for sale at flea markets. Repeals statutes governing delivery sales of cigarettes.

Senate Bill 382 (Public Law 161-2005)

Author: Alting

Sponsor: Alderman

Citations Affected: IC 7.1-3; 7.1-5

Effective: July 1, 2005

Alcohol server training. Requires the alcohol and tobacco commission (commission) to establish application requirements, fees, standards, and renewal requirements for certification of alcohol server training programs. Establishes requirements for the certification of alcohol server training programs. Requires retailer permittees and dealer permittees to: (1) complete a certified alcohol server training program; (2) ensure that each alcohol server completes a certified alcohol server training program and attends refresher courses; and (3) maintain training verification records. Prohibits an applicant for certification of an alcohol server training program from having an interest in a permit issued to a primary source of supply, a wholesaler, a retailer, or a dealer. Makes conforming amendments.

House Bill 1057 (Public Law 209-2005)

Author: Duncan

Sponsor: Rogers

Citations Affected: IC 9-30

Effective: July 1, 2005

Open alcoholic beverage containers. Creates exceptions to the law concerning open alcoholic beverage containers in motor vehicles. Makes it a Class C infraction for a person in the passenger compartment of a motor vehicle to possess an alcoholic beverage container: (1) that has been opened; (2) that has a broken seal; or (3) from which some of the contents have been removed. Removes the requirement that, in proving a violation of the open container law, the state must

show that the driver of the motor vehicle had a minimum level of alcohol in the driver's blood or breath. Specifies that a violation of the open container law occurs while a motor vehicle is on the right-of-way of a public highway even if the vehicle is not in operation. Specifies that a violation of the open container law is not considered a moving traffic violation: (1) for purposes of the law concerning bureau of motor vehicles operating records; and (2) for which points are assessed by the bureau under the point system.

House Bill 1666 (Public Law 224-2005)

Author: Stutzman

Sponsor: Jackman

Citations Affected: IC 7.1-2; 7.1-3; 7.1-4; 7.1-5

Effective: Upon Passage (May 11, 2005); July 1, 2005

Alcohol and tobacco. Eliminates a requirement that the prosecutor for the alcohol and tobacco commission (commission) reside in Indiana for five years before being appointed prosecutor. Increases the term of a retailer's or dealer's permit to two years (instead of one year), but requires a permit fee to be paid annually. Increases the following permit fees: (1) One-way retailer's or dealer's permit from \$250 to \$500 annually. (2) Two-way retailer's or dealer's permit from \$500 to \$750 annually. (3) Three-way retailer's or dealer's permit from \$750 to \$1,000 annually. Requires 34% of the permit fees for certain permits to be deposited in the enforcement and administration fund and 66% of the permit fees to be deposited in the state general fund. (Currently 100% of the permit fees for these permits are deposited in the general fund.) Changes the distribution of the excise fund to provide that 30% of the excise fund is deposited in the enforcement and administration fund, 37% is distributed to the state general fund, and 33% is distributed to municipal governments. Changes the publication requirement to require that the commission publish notice of a new retailer's or dealer's permit and notice of investigation one time in a newspaper of general circulation published in the county where the permit is located. Eliminates supplemental retailer permits and allows one-way, two-way, and three-way retail permit holders to sell alcoholic beverages on Sunday. Increases the fee for a temporary bartender's permit from \$4 to \$5. Increases the fee for a tobacco certificate from \$50 to \$200 and the term of a certificate from one to three years. Increases the fee for an employee's permit used to perform volunteer service from \$5 to \$15. Allows the commission to suspend a permit if the permit holder has not paid the seller of the permit in accordance with the terms of the sale and the seller has obtained a judgment. Allows the commission to auction not more than five three-way permits to restaurants in Jeffersonville and five three-way permits to restaurants in Clarksville that are located in an economic development area. Requires a minimum bid of \$35,000 and a renewal fee of \$1,350 that are deposited in the enforcement and administration fund. Provides that if a primary source of supply acquires the rights to a product and decides not to have a beer wholesaler continue to distribute the product, the wholesaler must be compensated for the loss of the right to distribute the product or the wholesaler will continue to distribute the product. Allows a beer wholesaler to offer a special discount price to a beer dealer or beer retailer if the beer or flavored malt beverage is a brand or package the beer wholesaler has discontinued or the beer or flavored malt beverage will expire within a certain date. Prohibits the commission from issuing, renewing, or transferring a permit if an applicant has not paid innkeeper's taxes that

are currently due. Allows a manufacturer of alcoholic beverages to offer on a nondiscriminatory basis bona fide incentives to the wholesaler if the incentives are determined based on sales to retailers or dealers occurring during specified times and for specified products.

BUDGET

House Bill 1001 (Public Law 246-2005)

Author: Espich

Sponsors: Meeks, Simpson

Citations Affected: Various Indiana Code citations in titles 4, 5, 6, 8, 9, 10, 11, 12, 14, 20, 21, 23, 24, 25, 27, 29, 31, 32, 33, 34; Public Law 224-2003

Effective: Retroactive (January 1, 2004; July 1, 2004; January 1, 2005); Upon Passage (May 13, 2005); July 1, 2005; January 1, 2006; July 1, 2006

*** This summary appears in a different format because it was prepared by the Senate Majority Fiscal Staff and contains more detail than the standard bill digest.*

General Fund/PTRF Spending Increases:

· FY06 spending increases over estimated FY05 - \$308.0M or 2.6%. \$279.1M of increase used as follows:

\$58.9M for Tuition Support

\$71.6M for Medicaid

\$40.9M for FSSA and Health (includes 400 additional child protection caseworkers, emergency developmentally disabled adult placements)

\$31.3M for local property tax relief (PTRC)

\$24.4M for Higher Education Operating, R&R, Fee Replacement and Capital

\$16.0M for Teacher's Pensions

\$18.0M for Judicial Salaries

\$9.0M for SSACI

· FY07 spending increases over estimated FY06 - \$170.1M or 1.4%. \$280.1M of increase used as follows:

\$70.0M for Medicaid

\$44.8M for Higher Education Operating, R&R, Fee Replacement and Capital

\$34.4M for Teacher's Pensions

\$21.2M for SSACI

Combined Balances

- Leaves a Combined GF/PTRF Balance of about \$756M on June 30, 2007
- Eliminates the state's \$640M Structural Deficit

- Allows for partial repayment of accumulated payment delays to universities, schools and local government (unless the Budget Agency determines funds are not available)
- Adds \$100M to the Rainy Day Fund (unless the Budget Agency determines funds are not available)
- Restores \$30M transfer per year of lottery revenue to the Pension Stabilization Fund

School Formula:

- All School Corporations funded on a Foundation basis. (Eliminates Minimum Guarantee and Variable Grant calculations)
- Adds \$20M to FY05 to fund the appropriation deficiency (and increases the 2005 Calendar Year Cap by \$38.3M)
- \$132M additional state funding for over FY05 appropriation (includes \$20M deficiency appropriation)
- Schools are allowed to increase the Debt Service Levy to pay for unreimbursed textbooks for students eligible for free and reduced lunches
- Schools are allowed to move an additional .75% of costs for property insurance and utilities to the Capital Projects fund each year
- Schools are permitted to increase their Transportation Fund levies (over two years) to restore state line item transportation funding that was lost for the 2004-05 biennium
- Allows a school to transfer part of its General Fund levy attributable to a referendum to its Referendum Tax Levy Fund
- Total School Funding Increases – 2.4% for FY 06 and 2.6% for FY 07 (including “Outside Provisions” listed above, 1.2% and 1.3% increases without outside provisions)
- Funds Charter Schools through the Foundation like all other schools, No separate cap

Other K-12

- Provides \$10M for the biennium from Common School Fund interest for Charter Schools to leverage federal matching grants for facilities construction
- Moves the Kindergarten start date from July to August in 2006

General Government:

- Funds a new Office of Management and Budget, Department of Child Services, Office of Technology, Inspector General and Department of Agriculture
- Includes funds for state employee pay and benefits raises of about 3.0%

Department of Correction and Other Public Safety:

- Flatlines appropriations at FY 05 actual spending level (except for Community Corrections)
- Community Corrections – Adds \$5M to current spending levels to reach \$55.7M for the biennium
- Funds new State Police Lab - \$4.3M/yr

Higher Education:

- Total Higher Education Operating - \$12.6M or 0.9% for FY06 and \$27.0M or 1.9% for FY07
- Total Funding - \$33.4M or 2.2% for FY06 and \$44.8M or 2.8% for FY07

- Budget provides a total increase of \$112M for the biennium over FY05 appropriation
- Funds Enrollment Growth at 60% and 90% of CHE recommendation prior to general reduction for all campuses
- Funds Research Support at CHE recommendation for IUB and PUWL prior to general reduction for all campuses
- Increases funding for Repair and Rehabilitation by \$12.7M or 100% for FY 06 and FY 07 (Funds 50% of 2003-05 annual R&R formula)
- Fee Replacement – Increases Fee Replacement by \$3.2M or 2.9% for FY06 and \$17.7M or 15.7% for FY07 (FY07 funds debt service for construction authorized in this budget)
- Increases university operating by \$3.2M or .3% for FY06 and \$6.0M in FY07 or 0.5%. (If universities increase tuition by an average of 5%, their operating budgets increase by an average of 2.8%.)
- SSACI – Increases of about \$9.0M or 4.8% for FY06 and \$21.2M or 10.7% for FY07. Maintains maximums at \$4,700 per student for public schools and \$9,100 for private schools
- Requires the CHE to establish a Core Transfer Library to facilitate credit transfers across all campuses
- Requires universities to hold public hearings and set tuition increases for a two-year period
- University bonding projects:
 - o ITSC – Valparaiso New Campus – Phase II for \$20M
 - o ITSC – Madison Main Campus Expansion for \$19.144M
 - o ITSC – Marion New Campus for \$21.015M
 - o USI – Education/Science Building Completion SOB/GCB A&E and Physical Plant Expansion for \$6.6M
 - o ISU – University Hall Renovation for College of Education for \$26.88M
 - o USI – Recreation and Fitness Center Expansion Phase II for \$7.25M (not eligible for fee replacement)
 - o PU – North Central Campus Parking Garage No. 1 for \$5M (not eligible for fee replacement)
 - o IUB – Central Heating Plant Renovation Phase I for \$45M
 - o PUWL – Infrastructure and Utilities Improvement for \$43.6M
 - o BSU – Boiler Plant Replacement and Chilled Water Plant Improvements for \$48M

Medicaid:

- Increases funding for FY06 at 5.2% over FY05 appropriation - \$71.5M for FY06 and 4.8% additional for FY07 -\$69.9M
- Includes provisions for cost reduction as follows:
 - o Requires OMPP to request amendments to the State Plan to require prior approval for certain dental unless determined medically necessary
 - o Strengthens provisions relating to property liens for Medicaid recipients
 - o Specifies how assets are to be determined when other spouse remains living in the community by following federal law instead of using the maximum of \$2,250 per couple resource limit which determines Medicaid eligibility

FSSA and Other Health:

- Funds a new Department of Child Services by transferring appropriations from FSSA
- Adds \$1M per year for Independent Living assistance for persons moving off foster care
- Adds \$2M per year for Community Mental Health Centers
- Adds funding for 400 additional caseworkers for child protection
- CHOICE:
 - o FY05 appropriation level for both years - \$48.7M
 - o Establishes an asset ceiling for CHOICE recipients at \$500,000
 - o Requires FSSA to negotiate reimbursement rates in conjunction with the AAAs for CHOICE
 - o Prohibits CHOICE payments to be counted as a Medicaid recipient's spend down requirement
- Specifies the state is payer of last resort for First Steps, modifies co-pay schedule per family, and lifts insurance reimbursement cap of \$3,500
- Provides funding for ICHIA - \$30.5M and \$32.2 M in FY06 and FY07
- Leverages additional federal Medicaid funding by increasing assessment to Intermediate Care for the Mentally Retarded providers and provides revenue must be spent on community services for the developmentally disabled
- Delays implementation of the new Hospital Care for Indigent property tax levy formula for two years
- Requires comprehensive reports on CHOICE, progress of SEA 493-2003 implementation, Medicaid A&D waivers, and First Steps

Tobacco Settlement Funds:

- Preserves all Tobacco Settlement Payments designated for health care programs
- Hoosier Rx – Funded at \$8M per year
- Maintains Use Prevention and Cessation programs funding at \$10.9M per year

Economic Development:

- Maintains funding at \$37.5M per year for 21st Century and Technology Fund
- Funds Technology Development Grant Program at \$4.5M per year
- Funds I-Light at \$1M per year
- Funds the new Indiana Economic Development Corporation and Department of Agriculture

Teacher's Retirement Fund:

- Eliminates the (approximate) \$610M Unfunded Liability in the 1996 Fund (by allocating funds from the PSF to cover accrued unfunded transfer liability)
- Provides that all future Pre-1996 Fund teacher/administrator transfers remain in the old fund and accrued liability does not transfer to New Fund
- Provides School Corps with an affordable employer contribution rate of about 7% including COLA

Conservation:

- Funds Heritage Trust at \$1M per year
- Funds Clean Water Indiana at \$3.75M per year from Cigarette Tax Fund

Capital:

- Fully funds all lease rentals for debt service
- Increases General Fund support for state agency capital by \$12.7M or 20.4% from current levels
- Increase to \$6M for wastewater and drinking water projects at State Parks
- Increase to \$8M for repair and rehabilitation of state dams
- Includes \$2.6M for federal match for Army Aviation Support Facility at Gary Airport
- Includes \$1M for Ivy Tech for lease payment of the Ft. Wayne Regional Public Safety Center

Statutory Changes:

- Transfers the Professional Standards Board to the Department of Education
- Creates the Office of Management and Budget
- Permits the Board of Finance to transfer unused appropriations from agencies to the IEDC
- Provides the Budget Agency flexibility in disposing of surplus property
- Allows counties to bond for juvenile arrearage, provides for intercept of County PTRC if amounts remain unpaid
- Provides for repayment to the State for State-paid property tax credits for Lake County
- Provides that the state examiner of the State Board of Accounts must have at least three years of active experience as a field examiner. (Current law requires seven years.)
- Allows a business to be considered for a state contract without registering 45 days prior with the Secretary of State
- Allows school corporations to enter into design-build contracts (follow up to SB 244)
- Requires that a company (or its parent) that produces steel in Indiana must have an integrated facility in Indiana to be eligible for property tax deductions
- Allows a county to provide local homestead credits for qualified residential property owners whose property taxes exceed 2% of gross assessed value. Prohibits a political subdivision from increasing the levy to make up the reduction in revenue.
- Commits to providing PTR Credits promised in the 2002 tax restructuring
- Repeals requirement for DLGF to appoint a Deputy Director
- Updates the state's tax code to conform with most IRS changes
- Extends the expiration date for the EITC until December 31, 2011
- Allows the Indiana Finance Authority to issue GARVEE Bonds for INDOT to finance highway improvement projects
- Grants authority to the Lake County Airport Authority to use property taxes generated in an airport Development Zone for debt service on airport projects completed in the Zone
- Makes the transfer of funds from Abandoned Property Fund to the General Fund permanent
- Continues the statutory authority retroactively to allow BMV to collect service fee for technology fund
- Repeals the State Board of Correction
- Permits the DNR Commission to set all fees excluding statutory fees.

- Modernizes the language that specifies how a school corporation may use Technology Grant funds
- Increases the threshold for Budget Committee review and Budget Agency approval for higher ed
- Renames the regional medical campuses
- Redirects the distribution of the mortgage recording fee from the Home Ownership Education Account to the State General Fund
- Increases the per diem for Senior Judges from \$100/day to \$200/day
- Allows Madison Superior Court to appoint a full-time magistrate, allows Perry Superior Court to appoint a full-time magistrate and adds a judge to the Vigo Superior Court in January 2006.
- Sets a \$60 per diem for incarceration of juveniles in State Correctional Facilities
- Provides PERF and TRF COLAs and a 13th check for PERF retirees
- Establishes caseload standards for child protection caseworkers
- Requires Department of Child Services to report on child caseworkers and caseloads
- Reestablishes the Government Efficiency Commission
- Requires OMB to conduct a thorough review of state agencies
- Voids the Indiana Gaming Commission rule imposing transfer fee for riverboat license

BUSINESS AND OTHER ASSOCIATIONS

House Bill 1165 (Public Law 178-2005)

Author: Messer

Sponsors: Long, Broden

Citations Affected: IC 23-1

Effective: July 1, 2005

Corporate law issues. Permits a corporate document to be executed by a registered agent, certified public accountant, or attorney employed by the business entity. Defines as an "other entity" certain business entities that are neither converting nor surviving entities, and establishes a procedure by which an other entity may convert its business form. Sets forth requirements for other business entities to merge. Permits notice of a shareholders' meeting to be transmitted by any class of United States mail if notice of the meeting is posted on the company's web site at least 30 days before the meeting is scheduled to take place.

House Bill 1453 (Public Law 245-2005)

Author: Richardson

Sponsor: Clark

Citations Affected: IC 23-7; 23-17; 27-16; 30-4; 34-30

Effective: July 1, 2005

Professional fundraisers and solicitors and professional employer organizations. Defines "bona fide employee" for purposes of regulating professional fundraisers. Requires a professional solicitor to provide certain information to charitable organizations. Allows the attorney general to seek remedies against nonprofit corporations and benevolent trusts for certain violations. Provides that venue in a proceeding by the attorney general against a trust lies in Marion County, unless venue in Marion County would constitute a hardship. Requires registration and regulation by the department of insurance of a professional employer organization. Specifies certain requirements for conduct with respect to functions of a professional employer organization.

House Bill 1646 (Public Law 223-2005)

Author: Ripley

Sponsors: M. Young, Lewis

Citations Affected: IC 23-2; 27-8

Effective: Upon Passage (May 11, 2005); July 1, 2005

Viatical settlements. Prohibits certain actions related to viatical settlement contracts. Amends the statute of limitations for certain actions concerning securities violations involving certain viatical settlement contracts. Provides for regulation of viatical settlements that involve life insurance that insures the life of any individual. Prohibits certain insurance producer payments related to viatical settlements. Amends the disclosures that must be made to a viator. Makes conforming amendments.

House Bill 1822 (Public Law 188-2005)

Author: Austin

Sponsors: Lanane, Ford

Citations Affected: IC 4-22

Effective: July 1, 2005

Small business regulation. Requires an agency that intends to adopt a rule that will impose requirements or costs on small businesses to prepare an economic impact statement for the rule. Provides that the statement must include a regulatory flexibility analysis that evaluates alternative regulatory methods that could minimize the impact on small businesses. Requires the agency to: (1) publish the statement with the notice of public hearing for the rule; and (2) submit the statement and the rule to the Indiana economic development corporation. Requires the agency to consider the corporation's written comments on the rule before adopting the rule. Provides that a small business aggrieved by a rule finally adopted by an agency may bring an action to determine whether the agency complied with the requirements concerning small businesses during the rulemaking process. Provides that before readopting a rule expiring after June 30, 2005, an agency must reevaluate the rule's impact on small businesses.

CIVIL PROCEDURE

See also:

SB 49: Civil action for harm caused by computer spyware.

[Technology]

SB 66: Immunity for administration of agreements between FSSA and hospitals.

[Human Services]

SB 92: Internet gambling.

[Gaming]

SB 341: Civil penalties on precinct election officers.

[Elections]

SB 379: Delivery sales of tobacco products.

[Alcohol and Tobacco]

SB 549: Liability insurance for amusement rides.

[Insurance]

SB 564: Mortgage foreclosure sales.

[Property]

Senate Bill 54 (Public Law 116-2005)

Author: Riegsecker

Sponsor: Foley

Citations: IC 34-6; 34-30

Effective: July 1, 2005

Immunity for uncompensated health services and immunity for advertisers or sponsors.

Provides immunity from civil liability for: (1) certain health care providers providing certain services without compensation; and (2) advertisers or sponsors of certain events.

Senate Bill 132 (Public Law 149-2005)

Author: Zakas

Sponsor: Borders

Citations Affected: IC 34-6; 34-31

Effective: July 1, 2005

Premises liability. Provides that if a person enters the premises of a nonprofit religious organization used for worship services with the permission of the nonprofit religious organization, the only duty the nonprofit religious organization has concerning the person is to: (1) warn the person of a hidden danger on the premises if a representative of the nonprofit religious organization has actual knowledge of the hidden danger; and (2) refrain from intentionally harming the person. Provides that if a person enters the premises of a nonprofit religious organization without the permission of the nonprofit religious organization, the only duty the nonprofit religious organization has concerning the person is to refrain from intentionally harming the person. Provides that if a customer who purchases childcare services or

the customer's child enters premises that are primarily used for worship, that are owned, operated, or controlled by a nonprofit religious organization, and that are used for childcare purposes for which a fee is charged, the childcare provider and nonprofit religious organization have the duty to: (1) warn the customer or the customer's child of a hidden danger on the premises if a representative of the childcare provider or nonprofit religious organization has actual knowledge of the hidden danger; (2) refrain from intentionally harming the customer or the customer's child; and (3) inspect the premises for dangerous hazards and defects, and within a reasonable period of time, correct any hazard or defect.

Senate Bill 218

Authors: Nugent, Simpson

Sponsor: Whetstone

Citations Affected: IC 9-19; 34-51

Effective: July 1, 2005

Safety belts. Provides that evidence of failure to comply with the laws concerning safety belt use may be admitted as evidence in a civil action to reduce damages for injury to a person who is at least 15 years of age at the time of the accident, and may limit the liability of an insurer. Provides that the defendant has the burden of establishing that use of a safety belt would have reduced injuries. Provides that if evidence that the plaintiff failed to comply with the laws concerning seat belt safety is admitted in a civil action, a court shall admit evidence that: (1) a driver who is a defendant was intoxicated at the time of the accident; or (2) a defendant caused or contributed to the accident in violation of Indiana law. Requires certain expert testimony to establish that a plaintiff failed to comply with the safety belt law. Requires a defendant to plead an affirmative defense if the defendant asserts that a plaintiff failed to comply with the safety belt law. Permits damages to be reduced by not more than 4% arising from a cause of action involving an accident in which a plaintiff failed to comply with the safety belt law. Requires a court to issue certain instructions to a jury concerning damage reductions and to furnish a specific jury form if evidence was submitted to the jury to prove that a plaintiff failed to comply with the safety belt law.

Senate Bill 373 (Public Law 79-2005)

Author: Bray

Sponsor: Borrer

Citations Affected: IC 32-30

Effective: July 1, 2005

Statutes of limitation in property matters. Provides that the 10 and 12 year statute of limitations for causes of action based on deficient design or construction of an improvement to real property applies to actions brought against a person who owns or possesses real property at the time an alleged deficiency causes injury or wrongful death. Provides that a deficiency does not mean a failure by a possessor to use reasonable care to maintain an improvement to real property following a substantial completion of an improvement. Repeals a provision that prohibits a possessor of property from using the 10 and 12 year statute of limitations as a defense in an action.

Senate Bill 498 (Public Law 200-2005)

Authors: Server, Broden

Sponsor: Hinkle

Citations Affected: IC 34-28; 36-1

Effective: July 1, 2005

Local government. Allows a defendant against whom a judgment is entered in an action to enforce an ordinance to perform community restitution or service instead of paying a monetary judgment. Allows a county or municipality to establish fines for ordinance violations of not more than: (1) \$2,500 for a first violation of an ordinance; and (2) \$7,500 for a second or subsequent violation of an ordinance that does not regulate traffic or parking.

House Bill 1126 (Public Law 38-2005)

Author: Foley

Sponsor: Riegsecker

Citations Affected: IC 34-30

Effective: July 1, 2005

Immunity for 501(c)(3) organizations. Provides that volunteers and volunteer directors of: (1) certain community mental retardation and other developmental disabilities centers; (2) certain rehabilitation centers; and (3) nonprofit organizations; are immune from civil liability arising from the performance of the duties of the volunteer or volunteer director if the volunteer or volunteer director exercises reasonable care in the performance of those duties.

House Bill 1262 (Public Law 179-2005)

Author: Kuzman

Sponsors: Bray, Simpson

Citations Affected: IC 4-22; 34-6; 34-55

Effective: July 1, 2005

Bankruptcy and exemption amounts. Increases exemption amounts for property subject to attachment or execution under a bankruptcy proceeding or based on a judgment against the property owner. Requires the department of financial institutions to adjust exemption amounts every six years beginning in 2010. Repeals obsolete provisions. Adds interest a debtor has in a qualified tuition program, interest a debtor has in an education savings account, and interest a debtor has in an earned income credit to the property that is exempt from a bankruptcy proceeding. (The introduced version of this bill was prepared by the commission on courts.)

CORRECTIONS

See also:

SB 13: DNA testing of felons.

[Criminal Law and Procedure]

SB 98: Probation revocation.

[Criminal Law and Procedure]

SB 101: Modification of the terms of probation.

[Criminal Law and Procedure]

SB 417: Appraisal and survey of DOC controlled real estate.

[State Offices and Administration]

Senate Bill 175 (Public Law 31-2005)

Authors: Dillon, Long

Sponsor: Neese

Citations Affected: IC 35-38

Effective: July 1, 2005

Allows a court to order an offender on home detention to wear a monitoring device that can reliably determine the location of the offender. Changes the definition of "monitoring device" to include a device that can: (1) record information 24 hours a day regarding an offender's location; (2) track where an offender has been; and (3) notify the appropriate agency if an offender violates a home detention order. Requires a probation department or community corrections program that monitors an offender on home detention to: (1) maintain constant supervision of the offender; and (2) have staff available at all times to respond if the offender violates a home detention order. Requires a sex offender or violent offender on home detention to use a monitoring device that can determine the offender's precise location. Makes technical change correcting the definition of "violent offender" for purposes of home detention.

House Bill 1112 (Public Law 213-2005)

Author: Richardson

Sponsors: Long, Lanane

Citations Affected: IC 11-10; 11-12; 35-37; 35-38; 35-50

Effective: Upon Passage (May 11, 2005); July 1, 2005

Correction and sentencing matters. Allows the department of correction (DOC) to provide a transitional dormitory with faith based programming at any state operated correctional facility. Directs the DOC to submit a report to the legislative council on the progress of faith based transitional dormitories. Directs the DOC commissioner to report the progress of contracting with a faith based organization to create a pilot project to operate faith based transitional dormitories at state operated correctional facilities. Allows a court to order a county jail inmate to reimburse a county for all or a portion of medical care expenses incurred by the county in providing medical care to the inmate as a term of a sentence. Provides exceptions for certain county jail inmates. Allows certain persons convicted of operating a vehicle while intoxicated with two prior unrelated convictions to be placed directly in a community corrections program if: (1) the person is required to serve the nonsuspendible part of the person's sentence in a work release program or a program that uses electronic monitoring as part of the person's supervision; and (2) the person participates in a court approved substance abuse program. Provides that a person convicted of operating a vehicle while intoxicated causing death or causing serious bodily injury may not be placed directly in a community corrections program, and specifies that operating while intoxicated causing death as a Class B felony by a person at least 21 years old is nonsuspendible. Makes technical corrections concerning references to aggravating circumstances. Provides that the violation of a condition of community corrections placement or

a condition of pretrial release is an aggravating circumstance, and specifies that a court may consider nonstatutory matters in imposing a sentence. (Relocates and repeals a provision dealing with aggravating circumstances).

COURTS AND COURT OFFICERS

See also:

SB 2: Parenting time.

[Family and Juvenile Law]

SB 8: Arbitration in family law.

[Family and Juvenile Law]

SB 242: Driver's license reinstatement fees.

[Motor Vehicles]

SB 340: Child abuse and neglect; adoption proceedings; GAL/CASA funding.

[Family and Juvenile Law]

SB 523: Assistance for reentry court program participants.

[Human Services]

HB 1001: Regarding two new magistrates and one new court.

[Budget]

HB 1153: Real property of deceased individuals.

[Probate and Trusts]

Senate Bill 88 (Public Law 28-2005)

Author: Bray

Sponsor: Ayres

Citations Affected: IC 33-38

Effective: July 1, 2005

Judges' retirement benefits. Allows a retired judge who receives a state salary for services currently performed, except for services performed as a regular judge or a magistrate, to also receive a judge's retirement benefit. (The introduced version of this bill was prepared by the commission on courts.)

Senate Bill 212 (Public Law 32-2005)

Author: Bray

Sponsor: Kuzman

Citations Affected: IC 33-23; 33-24

Effective: July 1, 2005

Tax court and senior judges. Allows a senior judge to be appointed to serve the tax court.

Senate Bill 303 (Public Law 33-2005)

Courts and Court Officers

Author: Clark

Sponsor: Buell

Citations Affected: IC 33-33

Effective: July 1, 2005

Marion superior court. Permits a party to a Marion superior court proceeding that has been assigned to a magistrate to request that a judge of the superior court preside over the proceeding instead of the magistrate only if the party makes the request within a specified time period.

Strikes a provision that limits the salary of the Marion superior court administrator to not more than 80% of the salary of a superior court judge.

Senate Bill 363 (Public Law 159-2005)

Authors: Broden, Clark

Sponsor: Foley

Citations Affected: IC 33-38

Effective: July 1, 2005

Judicial salaries. Increases the annual salaries of: (1) full-time trial court judges from \$90,000 to \$110,500; (2) appellate court judges from \$110,000 to \$129,800; and (3) supreme court justices from \$115,000 to \$133,600. Establishes a procedure for the salaries to be increased in each state fiscal year in which the general assembly does not amend the laws under which the salaries are determined to provide salary increases for the state fiscal year.

House Bill 1113 (Public Law 176-2005)

Author: Richardson

Sponsor: Lawson

Citations Affected: IC 10-13; 33-34; 33-37; 33-39; 34-26; 34-28

Effective: June 1, 2005; July 1, 2005

Court fees and administration. Creates the DNA sample processing fund to fund the collection, shipment, analysis and preservation of DNA samples. Adds a judicial salaries fee, court administration fee, DNA sample processing fee, and service fee to the fees collected in certain judicial proceedings. Changes the name of the judicial administration fee to the public defense administration fee and increases the fee. Increases the small claims service fee, deferred moving traffic violation fee, and deferred prosecution fee. Provides for 75% of the judicial salaries fee collected by city, town, and Marion County small claims courts to be retained by the jurisdiction in which the court operates. Provides for 100% of the service fees to be retained by the jurisdiction in which the court operates. Provides for the remainder of the fees to be distributed to the state. Allocates revenue equal to the estimated amount to be collected from the increase in the: (1) DNA sample processing fee to the DNA sample processing fund; and (2) public defense administration fee to the public defense fund. Allocate part of the revenue raised from increased fees to the judges' retirement fund. Limits the uses to which funds derived from a pretrial deferral or pretrial diversion program may be put, and requires these funds to be expended in accordance with guidelines adopted by the prosecuting attorneys council. Prohibits persons arrested or charged with operating while intoxicated or an offense involving intoxication or the operation of

a motor vehicle that arose from the same episode of criminal conduct as the operating while intoxicated offense from participating in a pretrial diversion or deferral program, and prohibits deferral for certain offenses in connection with the operation of a commercial motor vehicle. Exempts certain protective order filing from foreign jurisdictions.

House Bill 1141 (Public Law 237-2005)

Author: T. Brown

Sponsors: Harrison, Bray

Citations Affected: IC 33-30; 33-33

Effective: July 1, 2005; January 1, 2006

Superior Courts. Creates one new superior court in Dearborn County, DeKalb County, Hamilton County, Howard County, and Montgomery County and creates two new superior courts in Hendricks County. Adds an eighth judge to the Monroe circuit court on January 1, 2006 and a ninth judge to the Monroe circuit court on January 1, 2008. Provides that the new superior courts in Dearborn County, DeKalb County, and Montgomery County are created on January 1, 2006, the new superior court in Howard county is created on January 6, 2006, and the new courts in Hendricks County and Hamilton County are created on January 1, 2007. Allows the existing superior courts in Hendricks County to appoint a magistrate to serve until January 1, 2007. Abolishes the DeKalb County small claims referee. Makes the superior courts in Howard County standard superior courts.

House Bill 1263 (Public Law 55-2005)

Author: Pond

Sponsors: Long, Wyss

Citations Affected: IC 33-23

Effective: July 1, 2005

Domestic relations alternative dispute resolution. Specifies that the St. Joseph County probate court may participate in a domestic relations alternative dispute resolution (ADR) program. Allows two or more courts in a county to use a single ADR fund. Allows a county to deposit copayments made by litigants in ADR programs into the county's ADR fund.

CRIMINAL LAW AND PROCEDURE

See also:

SB 32: Handgun licenses and noncitizens.

[Public Safety]

SB 49: Prohibited uses of spyware.

[Technology]

SB 92: Internet gambling.

[Gaming]

SB 195: Environmental crimes task force.

[Environment]

SB 230: Sex offender directory and victim notification.
[Public Safety]
SB 268: Cloning.
[Health]
SB 472: Services to sex crime victims.
[Health]
SB 503: Release of Social Security numbers.
[State Offices and Administration]
HB 1057: Open alcoholic beverage containers.
[Alcohol and Tobacco]
HB 1112: Correction and sentencing matters.
[Corrections]
HB 1270: Motor Vehicle Offenses.
[Motor Vehicles]
HB 1315: Certificates of title for off-road vehicles.
[Motor Vehicles]
HB 1403: Insurance Fraud.
[Insurance]
HB 1776: Seizing weapons from a dangerous individual.
[Public Safety]

Senate Bill 13 (Public Law 69-2005)

Authors: Zakas, Wyss

Sponsor: T. Harris

Citations Affected: IC 10-13

Effective: July 1, 2005

DNA testing of felons. Permits the use of DNA data erroneously obtained or added to the DNA data base. Requires a person convicted of: (1) a felony; (2) conspiracy to commit a felony; or (3) attempt to commit a felony; to submit a DNA sample to the department of correction or a sheriff. Permits the department of correction to perform DNA analysis on a sample at any time, and requires the department of correction to perform DNA analysis on a sample when federal funds for testing become available.

Senate Bill 18 (Public Law 113-2005)

Author: Lawson

Sponsor: Foley

Citations Affected: IC 3-8; 5-8;

Effective: Upon Passage (May 4, 2005)

Loss of office by convicted official. Conforms several provisions concerning eligibility for or removal from elected office by: (1) providing a uniform definition of a felony; and (2) specifying that the time for disqualification or removal from public office is when the verdict is announced or the person pleads guilty.

Senate Bill 47 (Public Law 45-2005)

Authors: Wyss, Bray

Sponsor: Ulmer

Citations Affected: IC 34-24; 35-43

Effective: July 1, 2005

Counterfeiting and forgery. Provides that a person who knowingly or intentionally: (1) makes or utters a counterfeit written instrument; or (2) possesses more than one counterfeit written instrument; commits counterfeiting, a Class D felony. Specifies that a person who possesses a counterfeit written instrument with the intent to defraud commits forgery, a Class C felony. Allows forfeiture of property used to commit forgery or counterfeiting.

Senate Bill 95 (Public Law 61-2005)

Authors: Long, Bray

Sponsor: Messer

Citations Affected: Noncode

Effective: July 1, 2005

Sentencing policy study committee. Reestablishes the sentencing policy study committee to evaluate sentencing laws and policies for an additional two years. Adds two additional senators and two additional representatives to the committee.

Senate Bill 96 (Public Law 71-2005)

Authors: Long, Howard

Sponsor: Messer

Citations Affected: IC 35-35; 35-37; 35-38; 35-50

Effective: Upon Passage (April 25, 2005)

Sentencing. Replaces the fixed term of imprisonment for murder and other felonies with an advisory sentence to be used as a guideline sentence that a court may voluntarily consider as the midpoint between the maximum sentence and the minimum sentence that may be imposed for murder and other felonies. Makes conforming amendments.

Senate Bill 98 (Public Law 13-2005)

Authors: Long, Howard

Sponsor: Messer

Citations Affected: IC 35-38

Effective: July 1, 2005

Probation revocation. Permits a judge to order execution of all or part of a probationer's suspended sentence if the probationer violates a condition of probation. (Current law only permits the court to order execution of all of the probationer's suspended sentence.) (The introduced version of this bill was approved by the sentencing policy study committee.)

Senate Bill 101 (Public Law 14-2005)

Authors: Long, Howard

Sponsor: Messer

Citations Affected: IC 35-38

Effective: July 1, 2005

Modification of the terms of probation. Permits a court to hold a new probation hearing and modify a probationer's conditions of probation at any time during the probationary period. Requires the court to notify the probationer of the hearing. (The introduced version of this bill was prepared by the sentencing policy study committee.)

Senate Bill 117 (Public Law 50-2005)

Authors: Zakas, Broden

Sponsor: Foley

Citations Affected: IC 35-33; 35-47

Effective: July 1, 2005

Undisclosed transport of dangerous devices. Provides that a person who: (1) checks an item to be transported on a commercial passenger airline knowing the item contains a dangerous device; and (2) knowingly or intentionally fails to disclose to the airline that the item contains a dangerous device; commits undisclosed transport of a dangerous device, a Class A misdemeanor. Permits a law enforcement officer to arrest a person if the officer has probable cause to believe that a person has committed undisclosed transport of a dangerous device.

Senate Bill 164 (Public Law 51-2005)

Author: Drozda

Sponsor: Ulmer

Citations Affected: IC 5-2

Effective: July 1, 2005

Sex offender registration. Requires a person convicted of possession of child pornography who has a prior conviction for possession of child pornography to register as a sex offender.

Senate Bill 172 (Public Law 30-2005)

Author: M. Young

Sponsor: Budak

Citations Affected: IC 25-13

Effective: July 1, 2005

Practice of dental hygiene without a license. Makes it a Class B misdemeanor for a person to knowingly or intentionally practice dental hygiene without a license.

Senate Bill 233 (Public Law 124-2005)

Author: Drozda

Sponsor: Ulmer

Citations Affected: IC 35-42

Effective: July 1, 2005

Child solicitation. Provides that a person at least 21 years of age commits the crime of soliciting a child if the person solicits a child at least 14 but less than 16 years of age. (Does not change current law that a person at least 18 years of age commits the crime of soliciting a child if the person solicits a child under 14 years of age).

Senate Bill 444 (Public Law 192-2005)

Authors: M. Young, Skinner

Sponsor: Friend

Citations Affected: IC 5-2; 10-11; 13-11; 13-14; 34-30; 35-48

Effective: July 1, 2005

Methamphetamine. Requires the criminal justice institute to operate a meth watch program. Requires a law enforcement agency that terminates the operation of a methamphetamine laboratory to report the existence and location of the laboratory to the state police, fire department, and county health department. Specifies that a law enforcement agency that discovers a child less than 14 years of age at a methamphetamine laboratory must notify the division of family and children. Requires the state police to adopt guidelines and a form for the use of a retailer in recording a transaction involving ephedrine or pseudoephedrine. Requires the department of environmental management to maintain a list of persons certified to inspect or clean up property polluted by chemicals used to manufacture a controlled substance. Adds certain chemical reagents to the list of chemical reagents and precursors used in the manufacture of methamphetamine. Prohibits a retailer from selling a drug containing ephedrine or pseudoephedrine: (1) to a person less than 18 years of age; and (2) in a quantity greater than three grams in one transaction. Requires a retailer to store drugs containing ephedrine or pseudoephedrine: (1) behind a counter or in a locked case that makes the drugs unavailable to customers without the assistance of a store employee; or (2) directly in front of the pharmacy counter, in the line of sight of an employee behind the pharmacy counter, and in an area under constant video monitoring, if the retail establishment in which the drugs are sold is a pharmacy or contains a pharmacy that is open for business. Requires a retailer to record certain information concerning a person who purchases a drug containing ephedrine or pseudoephedrine by requiring the purchaser to present identification and record certain information in a log that may be made available to law enforcement officers in accordance with state or federal law. Grants a retailer immunity from civil liability for the good faith disclosure of this information. Prohibits a person from purchasing more than three grams of ephedrine or pseudoephedrine in one week. Requires a retail distributor, wholesaler, or manufacturer to report suspicious orders to the state police, and requires a retailer to report unusual thefts to the state police. Provides that a retailer who has suffered three unusual thefts in a 30 day period must store all drugs containing ephedrine or pseudoephedrine behind the counter or in a locked case for 180 days. Makes knowing or

intentional violation of the ephedrine or pseudoephedrine sale or purchase restrictions a Class C misdemeanor, and enhances the penalty to a Class A misdemeanor for second or subsequent violation.

Senate Bill 525 (Public Law 53-2005)

Authors: Zakas, M. Young

Sponsor: Thomas

Citations Affected: IC 35-50

Effective: July 1, 2005

Life imprisonment without parole. Authorizes the state to seek a sentence of life imprisonment without parole for a person who commits a Class A felony constituting a sex offense against a child and who has a prior unrelated Class A felony conviction for a sex offense against a child. Provides that a person serving life without parole does not earn credit time.

Senate Bill 557 (Public Law 94-2005)

Authors: M. Young, Howard

Sponsor: Buell

Citations Affected: IC 35-33; 35-46

Effective: July 1, 2005

Unlawful recording. Provides that a person who knowingly or intentionally uses an audiovisual recording device in a motion picture exhibition facility with the intent to transmit or record a motion picture commits unlawful recording, a Class B misdemeanor. Allows an owner or agent of a motion picture exhibition facility who has probable cause to believe that a person has committed unlawful recording to detain the person.

House Bill 1039 (Public Law 171-2005)

Author: Ayres

Sponsors: Heinold, Bray

Citations Affected: IC 35-43

Effective: July 1, 2005

Interfering with drug or alcohol screening tests. Makes it a Class B misdemeanor for an incarcerated person or a person under court supervision to interfere with, or to possess a device or substance intended to be used to interfere with, a drug or alcohol screening test.

House Bill 1099 (Public Law 7-2005)

Author: Messer

Sponsor: Merritt

Citations Affected: IC 35-45

Effective: July 1, 2005

Voyeurism. Makes the offense of voyeurism a Class D felony instead of a Class B misdemeanor if a person is convicted of the offense a second or subsequent time.

House Bill 1241 (Public Law 142-2005)

Author: T. Harris

Sponsors: Zakas, Bray

Citations Affected: IC 10-13

Effective: July 1, 2005; January 1, 2006

DNA samples from felons. Requires a person convicted of: (1) a felony; (2) conspiracy to commit a felony; or (3) attempt to commit a felony; to provide a DNA sample to the department of correction or a sheriff. Permits the department of correction to perform DNA analysis on a sample at any time, and requires the department of correction to perform DNA analysis on a sample when federal funds for testing become available. Provides that the mistaken placement of a DNA sample in the database does not invalidate a conviction based on the DNA sample.

ECONOMIC DEVELOPMENT

See also:

SB 1: Tax incentives.

[Taxation]

SB 378: Biodiesel, ethanol, and coal gasification.

[Taxation]

SB 414: EDGE credit applications.

[Taxation]

SB 496: Economic development and taxation.

[Taxation]

HB 1182: Extension of TIF and abatements.

[Taxation]

Senate Bill 536 (Public Law 202-2005)

Authors: Clark, Drozda

Sponsor: Borrer

Citations Affected: IC 5-28; 22-4; 22-4.5

Effective: Upon Passage (May 11, 2005)

Skills 2016 training fund. Requires the economic development corporation (corporation) to award training and counseling assistance grants in accordance with the department of workforce development (DWD) guidelines. Transfers the skills 2016 training fund (fund) to the corporation. Requires the corporation to enter into an agreement with the DWD to administer the fund. Requires the secretary of commerce to allocate the money in the fund to employers and consortiums for worker training grants, after considering information provided by the DWD. Requires that Ivy Tech State College be given special consideration to be the provider of training obtained through the fund when: (1) Ivy Tech courses meet the needs of an employer or consortium; and (2) Ivy Tech is the most cost effective provider. Establishes a sunset for the fund of December 31, 2008. Repeals the incumbent workers training board. Repeals obsolete

statutes concerning the fund. Requires the DWD to study the adoption of a life long learning accounts program and to report not later than November 1, 2005, to the legislative council the DWD's recommendations, including any proposed legislation. Allocates an amount not to exceed \$50,000 from the fund to the DWD to conduct the study.

Senate Bill 571 (Public Law 203-2005)

Authors: Simpson, Ford

Sponsor: Koch

Citations Affected: IC 4-3; 5-28; 6-2.5; 6-3; 6-3.1; 36-1; 36-7

Effective: Upon Passage (May 11, 2005); July 1, 2005; January 1, 2006

Economic development. Authorizes various economic development entities to enter into written agreements for jointly undertaken economic development projects. Requires the establishment of a military base development authority concerning a military base that is located in more than two counties if the military base planning council votes to require the establishment of the development authority. Permits the economic development corporation to designate a global commerce center pilot program in eastern Indiana. Allows local income taxes to be captured for the purposes of the global commerce center. Authorizes counties to allocate 3% of the growth in property tax revenues attributable to a global commerce center to a regional economic development district. Designates each certified technology park located within a radius of five miles of the Crane military base as a qualified military base enhancement area. Extends the following incentives, which are currently applicable to businesses located on closed military bases, to businesses that are located in a qualified military base enhancement area and meet certain criteria: (1) The sales tax exemption for electricity purchases. (2) The reduced corporate adjusted gross income tax rate. (3) The investment credit. Authorizes the expansion of a certified technology park to adjacent territory that is located in another county. Requires the department of environmental management to give priority to permit applications concerning certain military bases or installations.

House Bill 1003 (Public Law 4-2005)

Author: Borror

Sponsors: Ford, Zakas

Citations Affected: Various Indiana Code citations in Titles 1, 4, 5, 6, 8, 13, 14, 20, 22, 23, 36; P.L. 224-2003

Effective: Upon Passage (February 9, 2005); July 1, 2005

Economic development. Consolidates various provisions related to the Indiana economic development corporation (IEDC) into one article of the Indiana Code. Provides that the governor is the chairperson of the IEDC board. Reduces the membership of the IEDC board from 23 to 12 members. Specifies that when making appointments to the IEDC board, the governor shall appoint at least five members belonging to the same political party as the governor and at least three members who belong to a major political party other than the party of which the governor is a member. Abolishes the department of commerce, the 21st century research and technology fund board, the steel industry advisory commission, the enterprise zone board, the small business development corporation, the film commission, the business modernization and technology corporation, the Indiana economic development council, and the EDGE board. Transfers the

duties and powers of these entities to the IEDC. Specifies that certain programs related to tourism, community development, and energy that are currently administered by the department of commerce shall be administered by the lieutenant governor. Repeals provisions related to functions of the department of commerce that are transferred to the IEDC. Eliminates the strategic development program and fund, the growth investment program (GRIP), and the local labor management grant program and fund. Specifies that a grant or loan from the 21st century research and technology fund may not be approved or recommended to the budget agency unless the grant or loan has received a positive recommendation from a peer review panel. Abolishes the office of tourism and community development and the office of energy policy, which were to take over certain duties of the department of commerce on July 1, 2005. Establishes the Indiana promotion fund. Provides that the fund consists of all private funding and donations received by the IEDC. Authorizes the IEDC to establish a nonprofit subsidiary to solicit and accept private sector funding. Provides that members of the IEDC board may not vote by proxy. Provides that the IEDC board and employees of the IEDC are under the jurisdiction of the state ethics commission and are subject to ethics rules that apply to the executive branch of state government. Allows the IEDC board to adopt additional ethics rules that are more stringent than those adopted by the state ethics commission. Requires the IEDC to adopt rules under the statutory rule adoption process. Authorizes the IEDC to adopt emergency rules. Specifies that in transferring appropriations from the department of commerce to the IEDC or the lieutenant government, the budget agency determines whether the appropriation to be transferred is related to economic development, community development, tourism, or energy. Provides that the IEDC's authority to hire employees and enter into contracts is subject to approval by the state budget agency. Requires the state board of accounts to examine the IEDC and its funds, accounts, and financial affairs. Specifies explicitly that the IEDC and the IEDC board are subject to the open door law and the public records law. Makes conforming changes.

House Bill 1120 (Public Law 214-2005)

Author: Espich

Sponsor: Kenley

Citations Affected: IC 4-4; 4-13; 4-33; 5-1; 5-28; 6-1.1; 6-3.1; 6-3.5; 6-6; 6-8.1; 6-9; 7.1-3; 8-9.5; 8-15; 9-13; 9-18; 9-29; 13-21; 16-44; 20-12; 20-26; 21-2; 22-4; 36-7; 36-7.5; 36-9; 36-10; 36-12

Effective: Upon Passage (May 11, 2005); May 15, 2005; July 1, 2005; January 1, 2006

*** This summary appears in a different format because it was prepared by the Senate Majority Fiscal Staff and contains more detail than the standard bill digest.*

Financing and Construction of the Stadium and Convention Center

Establishes the Indiana Stadium and Convention Building Authority (SCBA) as a separate body corporate and politic to construct and equip a stadium and convention center expansion and lease the improvements to the Indianapolis Capital Improvements Board (CIB).

Establishes a 7 member Board as follows:

- 4 members appointed by the Governor for 3 year terms (one each recommended by the President Pro-Tempore of the Senate and Speaker of the House)
- 2 members appointed by the Mayor for 3 year terms
- 1 member appointed by the Governor for a 1 year term after nomination by one of the contiguous counties (membership rotates among counties on a population basis)

The Governor appoints a member of the Board to serve as chair and appoints the SCBA Executive Director subject to veto of the Mayor.

Authorizes the Indiana Finance Authority (IFA) to enter into a lease with the SCBA and issue bonds to finance the construction of the stadium and convention center expansion. Authorizes the SCBA and CIB to enter into SWAPs and hedge agreements.

Requires payment of a common construction wage for all construction contracts.

Authorizes the Indianapolis-City-County Council to increase tax rates and dedicate revenues to the CIB for payment to the SCBA as follows:

- County Supplemental Auto Rental Excise Tax – Increase from 2% to 4%
- County Innkeeper's Tax – Increase from 6% to 9%
- County Food & Beverage Tax – Increase from 1% to 2%
- County Admissions Tax – Increase from 5% to 6%

Increases the annual cap on capture of state income and sales tax increment from \$5M to \$16M in the Professional Sports Development Area until 2041.

Authorizes counties contiguous to Marion – Hendricks, Morgan, Johnson, Shelby, Hancock, Hamilton, and Boone – to adopt a 1% Food and Beverage Tax. 50% of the revenue generated dedicated to stadium funding up to a maximum of \$5M per year, 50% (and revenue greater than \$5M per year) remains in county.

Requires the BMV to issue professional football team license plates and collect a \$20 fee that may be distributed to the State General Fund or the Indianapolis Capital Improvements Board.

Requires the CIB to transfer the \$100M contribution from the Colts to the SCBA to be applied to the stadium financing.

Northwest Indiana Regional Development Authority (NIRDA)

Establishes the Northwest Regional Development Authority (NIRDA) as a separate body corporate and politic for Lake and Porter Counties to acquire, construct, equip, own and lease projects and facilities for the benefit of member subdivisions.

Authorizes the Authority to make loans, loan guarantees or grants or lease land or projects to, or on behalf of, a commuter transportation district (the South Shore RR), an airport or airport development authority, a regional bus authority or a shoreline development commission.

Provides for a governing Board of 7 members each of whom must have knowledge and experience in transportation, economic development or business or finance as follows:

- 2 members appointed by the Governor (1 of the members must be nominated by the Mayors of Portage and Valparaiso)
- 1 member each appointed by the Mayor of the largest, second largest and third largest Riverboat cities (Gary, Hammond and East Chicago)
- 1 each member appointed jointly by the county executive and county fiscal body of Lake and Porter Counties that does not reside in Gary, Hammond or East Chicago

Authorizes the Indiana Finance Authority to issue bonds to acquire NIRDA obligations.

Provides that Lake County will distribute 25% of Riverboat Admissions Revenue to the following municipalities: Cedar Lake, Crown Point, Dyer, Griffith, Highland, Hobart, Lake Station, Lowell, Merrillville, Munster, New Chicago, St. John, Schererville, Schneider, Winfield and Whiting based on proportional population.

Distributions may only be used for infrastructure including roads and streets and sewage works.

Requires each Porter and Lake Counties and each city that appoints a member to the Board to annually contribute \$3.5M to the NIRDA from Riverboat admissions or wagering taxes or incentive payments, EDIT or any other non-property tax revenue source.

Requires the Authority to develop and submit to the Budget Committee for review and the Director of OMB for approval a strategic development plan.

Requires the Authority to comply with the common construction wage law, public procurement and public works laws and establish MBE/WBE participation requirements.

Requires the IFA to transfer to the NIRDA at least \$5M but not more than \$10M in Toll Road Revenues in F 06 and F 07 if local units have all made their respective contributions, Provides the IFA may transfer additional Toll revenues to NIRDA in succeeding years.

Eliminates limitation that Toll Revenues can only be used within 10 miles of the Toll Road.

Eliminates requirement that tolls be substantially uniform for mileage between interchanges.

Provides that if Porter County increases its EDIT, the first \$3.5M must be used to make the transfer to the NIRDA and the remainder must be used for Homestead Credits.

Enterprise Zones

Establishes an Enterprise Zone Investment Deduction from the assessed value of a qualified investment made in real or personal property in an Enterprise Zone.

Adds the deduction to the list of incentives for which a Zone business must pay a registration fee to the State Enterprise Zone Board.

Provides that funds in the Enterprise Zone Fund may be used for administrative expenses of local UEAs.

Provides that an existing Enterprise Zone ceases to exist after December 31, 2005 unless the appropriate legislative body adopts a resolution authorizing its continued existence.

Prohibits the expansion of professional sports development areas except for the Marion County area which can only be expanded for the construction of the stadium.

Authorizes the following cities and towns to impose a 1% Food & Beverage Tax: Carmel, Fishers, Greenfield, Lebanon, Noblesville, Westfield and Zionsville.

Authorizes the following towns and cities to impose a 1% Food and Beverage Tax in addition to the Food & Beverage Tax already imposed: Mooresville, Plainfield, Brownsburg, Avon and Martinsville.

Requires DLGF rules to include instructions for determining the true tax value of mobile homes and computer software.

Provides a property tax deduction for the cost of building materials made from coal combustion products if the products are used systematically in the construction of a building.

Lengthens the time during the year in which a County Treasurer may enforce collection of delinquent personal property taxes. Requires a creditor who acquires personal property for which property taxes are delinquent to pay all or part of the delinquent taxes out of proceeds of the sale of the property.

Allows Miami County to increase its COIT rate by .25% over the maximum rate to finance a county jail.

Allows Howard County to increase its COIT rate by .25% over the maximum rate to finance a county jail or juvenile center.

Authorizes the Evansville City Council to impose a supplemental auto rental excise tax in Vanderburgh County to provide for capital improvements that support tourism or recreation in Evansville, (Exempts autos used in funerals and autos rented while a car is being repaired).

Permits Tippecanoe County to increase its Innkeeper's Tax from 5% to 6%. The 1% increase is deposited into a Supplemental Fund to be used to promote economic development in the county.

Authorizes Hendricks County to impose an Innkeeper's Tax to replace the existing tax it imposes under the uniform Innkeeper's Tax law, permits the tax to increase from 5% to 8%.

Permits Wayne County and certain municipalities in Wayne County to impose a Food & Beverage Tax.

Allows the Alcohol and Tobacco Commission to grant up to 10 3-way, 2-way or 1-way alcoholic beverage permits to restaurants located in a historic district in Valparaiso.

Requires Solid Waste Management Districts to deposit and invest district funds in the same manner as other county funds are deposited and invested.

Increases the oil inspection fee from \$.40 to \$.50 per 50 gallon barrel (\$.008 to \$.01 per gallon) and adds diesel fuel to the fuels subject to the fee.

Authorizes the use of state and university owned property for free when used as locations for making motion pictures.

Allows a school corporation to form a not for profit foundation to receive and hold money and other gifts for the school.

Allows a school corporation that did not issue pension bonds under a statute which was repealed on December 31, 2004, or a corporation that issued bonds under the prior statute prior to April 14, 2003 may issue bonds one additional time for that purpose. Provides that bonds are not subject to the petition and remonstrance process.

Authorizes the Department of Workforce Development (DWD) to establish an employer contribution rate not to exceed 3.5% if the state becomes responsible for administering the federal Unemployment Tax Act as a demonstration project. Authorizes DWD to increase the unemployment tax rate by .8% in the year DWD assumes responsibility for the program.

Allows the Vanderburgh County Library Board to levy a property tax and distribute the revenue to the Willard Library in Evansville.

Provides for a lease between Ivy Tech State College and Ft. Wayne for development of the Ft. Wayne Regional Public Safety Center, appropriates \$1M to Ivy Tech for FY07 to support the lease.

Appropriates \$300,000 to Ivy Tech State College for A&E expenses for planning for the Logansport campus.

Requires the Gaming Commission to study alternative forms of gaming to determine if any would be beneficial for the state.

Allows counties to grant an additional Homestead Credit from any available revenue source for taxpayers who experienced at least a \$500 increase in pay 2003 taxes. The credit amount is 80% for 2005, 60% for 2006, 40% for 2007 and 20% for 2008.

House Bill 1224

Author: Koch

Sponsor: Ford

Citations Affected: IC 5-28

Effective: July 1, 2005

Aerospace initiative. Establishes the aerospace and aeronautics initiative to be administered by the Indiana economic development corporation.

House Bill 1250 (Public Law 190-2005)

Author: Friend

Sponsor: Weatherwax

Citations Affected: IC 6-2.5; 6-3; 6-3.1; 36-7

Effective: Upon Passage (May 7, 2005); July 1, 2005

Redevelopment commissions and authorities. Indicates that certain credits for military bases are available in an economic development area only in the part of the area where the base was located. Limits the economic development area to the area covered by the base. Allows a redevelopment authority operating in a county with a military base to exercise the powers of a redevelopment commission, if authorized by the county executive. Allows the county executive to change the name of the redevelopment authority and the number of members on the governing board. Authorizes county commissioners to adopt an ordinance providing that the county redevelopment commission consists of seven (rather than five) members. Provides that the general redevelopment law applies to an excluded city in Marion County that: (1) adopts an ordinance electing to be governed by that law; and (2) establishes a redevelopment commission.

House Bill 1653 (Public Law 25-2005)

Author: Wolkins

Sponsor: Gard

Citations Affected: IC 4-4; 13-25

Effective: Upon Passage (April 14, 2005); July 1, 2005

Permit issuance and immunity from liability. Establishes the shovel ready site development center within the Indiana development finance authority to: (1) provide comprehensive information on permits required for business activities in Indiana; (2) work with other state government offices, departments, and administrative entities in assisting applicants in obtaining timely and efficient permit review and resolving of issues arising from permit review; (3)

encourage the participation of federal and local government agencies in permit coordination; and (4) create programs to enable political subdivisions to obtain all or part of any permits to create sites that are ready for economic development. Provides that certain exceptions to liability under the federal Comprehensive Environmental Response, Compensation, and Liability Act are equally applicable to persons under Indiana law concerning hazardous substances.

EDUCATION

See also:

SB 298: Fiscal impact of Education Roundtable recommendations.

[State Offices and Administration]

SB 304: National Guard tuition exemptions.

[Military]

HB 1001: Kindergarten start date.

[Budget]

HB 1120: Certain higher education facilities.

[Economic Development]

HB 1288: Title 20 recodification.

[Technical]

Senate Bill 200 (Public Law 105-2005)

Authors: Lubbers, Rogers

Sponsor: Behning

Citations Affected: IC 20-10.1; 20-12; 20-32

Effective: July 1, 2005

Core 40 curriculum. Beginning with the 2010-2011 school year, requires, with certain exceptions, a student to complete the Core 40 curriculum in order to graduate from high school. Beginning with the 2011-2012 academic year, requires, with certain exceptions, a student to have completed the Core 40 curriculum to be admitted to a four-year degree program in a state educational institution. Requires the department of education to conduct a study to determine whether a shortage of math, science, and special education teachers exists. Makes transitional provisions maintaining the current standards until the new standards take effect.

Senate Bill 202 (Public Law 121-2005)

Author: Wyss, Simpson

Sponsors: Buell

Citations Affected: IC 20-12

Effective: July 1, 2005

University bonding. Provides that certain construction projects that are undertaken by the trustees of Indiana University, Purdue University, Indiana State University, Vincennes University, Ball State University, the University of Southern Indiana, and Ivy Tech State College and that have been approved by the general assembly are not subject to review by the commission for higher education. Allows the trustees of Indiana University to issue bonds for

acquisition, renovation, expansion, and improvement of the hotel facility adjacent to the conference facility on the Indianapolis campus. Authorizes the trustees to use up to \$200,000 of the bond proceeds for an integrated transit study for the Indianapolis campus.

Senate Bill 285 (Public Law 106-2005)

Authors: Wyss, Lubbers

Sponsor: Behning

Citations Affected: IC 5-2; 20-8.1; 20-33

Effective: July 1, 2005

Bullying. Defines "bullying", and requires a school corporation to adopt rules to prohibit bullying. Allows the use of grants from the safe schools fund to provide education and training to school personnel concerning bullying, and requires the inclusion of anti-bullying training in school safety specialist education. Requires each school to establish a safe school committee.

Senate Bill 296 (Public Law 127-2005)

Author: Meeks

Sponsor: Richardson

Citations Affected: IC 1-1; 4-1.5; 4-13; 5-11; 12-20; 20-8.1; 20-12; 20-33; 22-4

Effective: July 1, 2005

Ivy Tech Community College of Indiana. Changes the name of Ivy Tech State College to Ivy Tech Community College of Indiana and broadens its mission to include serving as the state's community college system and providing workforce development, assessment, and training services for students. Repeals various provisions concerning the previous community college of Indiana partnership between Ivy Tech State College and Vincennes University.

Senate Bill 301 (Public Law 65-2005)

Authors: Clark, Skinner

Sponsor: Hinkle

Citations Affected: IC 20-1; 20-19

Effective: July 1, 2005

Cheerleading safety. Requires the state board of education to develop standards and guidelines concerning cheerleading safety in schools.

Senate Bill 326 (Public Law 76-2005)

Author: Server

Sponsor: Frizzell

Citations Affected: IC 20-8.1; 20-10.1; 20-30; 20-34

Effective: July 1, 2005

Information concerning meningococcal meningitis. Requires public and nonpublic schools to distribute materials concerning meningococcal meningitis and its vaccines. Requires the department of education to develop the material to be distributed. Provides for medication possessed by a school for administration to a student to be released to the student's parent or an individual who is at least 18 years of age or sent home with the student, if the student's parent provides written permission.

Senate Bill 332 (Public Law 78-2005)

Author: M. Young

Sponsor: Ruppel

Citations Affected: IC 4-6; 20-10.1; 20-30

Effective: July 1, 2005

Pledge of Allegiance, flags, and moment of silence. Requires a United States flag to be displayed in each classroom of a school corporation. Requires a school corporation to provide a daily opportunity for students to voluntarily recite the Pledge of Allegiance. Provides an exemption for students who choose (or whose parents choose for them) not to participate in the Pledge. Requires a school corporation to establish a daily moment of silence in each classroom or on school grounds. Repeals a law allowing an optional brief period of silent prayer or meditation. Requires the attorney general to defend a school corporation in a civil suit based on an act authorized under these provisions.

Senate Bill 372 (Public Law 89-2005)

Author: Kenley

Sponsor: Thompson

Citations Affected: IC 20-8.1; 20-26

Effective: July 1, 2005

Transfer tuition. Specifies that if a transferor school corporation fails to take action within thirty (30) days after receipt of a transfer tuition request, the request is considered approved. Provides that a student who is placed in a facility, a home, or an institution may attend school in the school corporation in which the facility, home, or institution is located, and that the state is required to pay transfer tuition for the student if no other person or entity is required to pay the student's transfer tuition.

Senate Bill 397 (Public Law 231-2005)

Author: Landske

Sponsor: Foley

Citations Affected: IC 6-1.1; 9-21; 10-13; 20-1; 20-3; 20-4; 20-8.1; 20-9.1; 20-10.1; 20-12; 20-20; 20-23; 20-25; 20-26; 20-27; 20-28; 20-33; 20-34; 20-35; 20-37; 33-33; 36-1

Effective: July 1, 2005

Various matters concerning education. Specifies that, if the governing bodies of two or more school corporations agree to cooperate and apportion the cost of vocational education schools or departments, the designated representatives of the school corporations constitute a board for the management of the schools or departments. Specifies the criminal intent necessary to commit crimes involving: (1) postsecondary proprietary educational institution accreditation; and (2) school bus use. Specifies that a principal and not the governing body of a school corporation submits information to the bureau of motor vehicles concerning: (1) an individual's ineligibility to be issued a driver's license or learner's permit; and (2) the invalidation of a license or permit. Repeals obsolete or superseded provisions, including provisions concerning purchase of textbooks, school taxing powers, school reorganization, school bonding, transportation of pupils, county schools, and annexation of territory. Makes conforming amendments.

Senate Bill 474 (Public Law 132-2005)

Author: Simpson

Sponsor: Becker

Citations Affected: Noncode

Effective: July 1, 2005

University report on joint purchasing. Requires state educational institutions to report to the budget committee and the legislative council concerning the ramifications, costs, and cost savings in state educational institutions jointly purchasing insurance, materials, supplies, and services.

Senate Bill 598 (Public Law 169-2005)

Author: Lubbers

Sponsor: Behning

Citations Affected: IC 20-1; 20-5.5; 20-10.1; 20-20; 20-24; 20-30; 21-3

Effective: Upon Passage (May 6, 2005); July 1, 2005

Charter schools. Requires the department of education to publish in its school performance reports, in addition to ISTEP scores, any nationally recognized comprehensive assessment program data submitted by a school corporation, including a charter school. Increases the review period for applications to become a charter school. Allows a charter school to provide online and computer instruction in the same manner as other public schools. Requires the department of education to obtain federal funding for charter schools. Indicates that a charter school may use a private auditor and prepare financial reports in addition to audits and financial reports required by the state board of accounts. Provides that the law governing grants to alternative school programs applies to charter schools. Allows the common school fund interest balance to be used for charter school facility financing.

House Bill 1314 (Public Law 218-2005)

Author: Behning

Sponsor: Lubbers

Citations Affected: IC 4-10; 4-15; 5-22; 10-13; 12-12; 20-1; 20-8.1; 20-9.1; 20-10.1; 20-12; 20-15; 20-16; 20-20; 20-21; 20-22; 20-27; 20-30; 20-33; 20-35

Effective: July 1, 2005

Various education matters. Changes the name of the School for the Blind to the School for the Blind and Visually Impaired. Makes certain changes to the qualifications for the superintendents of the School for the Blind and Visually Impaired and the School for the Deaf, and changes the title of "superintendent" to "chief executive officer" for each school. Eliminates the requirement of approval from a school superintendent and a representative of a school corporation for a high school student to enroll in the postsecondary enrollment program. Requires a school corporation and a postsecondary institution to enter into a contract concerning credits for a student attending the postsecondary institution while the student is also attending secondary school.

House Bill 1488 (Public Law 182-2005)

Author: Behning

Sponsors: Miller, Lubbers

Citations Affected: IC 20-10.1; 20-20

Effective: July 1, 2005

Teacher training concerning phonologic weakness. Requires the department of education to establish guidelines for training of teachers concerning phonologic weakness. Requires the department to adopt reading instruments to diagnose reading development and comprehension.

House Bill 1794 (Public Law 242-2005)

Author: Behning

Sponsor: Lubbers

Citations Affected: IC 9-24; 20-1; 20-8.1; 20-10.1; 20-19; 20-26; 20-30; 20-33

Effective: July 1, 2005

Various education matters. Requires schools to report the reasons for student suspensions and expulsions to the department of education, and to categorize suspended and expelled students by gender, ethnicity, and disability status. Authorizes an agreement for court assisted resolution of suspension and expulsion cases between a court having juvenile jurisdiction and a public school corporation. Provides that the court shall either supervise the student or order the supervision of the student. Provides that the court and the school corporation may jointly determine which violations leading to suspension or expulsion are eligible for referral to the court. Provides that the school corporation and the court shall determine how the costs of supervising a student under the agreement shall be paid. Allows the school corporation to disclose the education records of a student who has been suspended or expelled to a court. Provides that a parent or guardian has the right to be present during the student's appearance, and may be required to be present during the student's appearance. Requires that the discipline rules adopted by a school's governing body define "habitual truant" to include, at a minimum, a student who has more than ten unexcused absences in a school year. Permits a public school student who is at least 16 years of age and less than 18 years of age to withdraw from school by: (1) attending an exit interview; (2) obtaining the consent of the student's parent; and (3) obtaining the consent of the school principal. Requires that the school principal provide the student and the student's parent with information concerning the consequences of dropping out of school during the exit interview, and to provide the department of education with the number of students who withdraw from school. Includes certain additional groups of students in the determination of a school's graduation rate. Establishes certain procedures concerning a student who has left school and whose location is unknown to the school. Allows a school to establish a flexible instruction program for certain high school students. Makes technical corrections to conform with the Title 20 recodification.

ELECTIONS

See also:

SB 18: Loss of office by convicted official.

[Criminal Law and Procedure]

SB 308: Terms of office of county elected officials.

[Local Government]

Senate Bill 14 (Public Law 58-2005)

Author: Lawson

Sponsor: Richardson

Citations Affected: IC 3-5; 3-10; 3-11; 3-12; 20-4; 20-23; 33-24; 33-25; 33-28; 33-30; 33-33;

Effective: Upon Passage (April 22, 2005); July 1, 2005

Ballot form. Establishes a ballot form that lists candidates by office for optical scan and electronic voting systems. Adds circles to the types of figures permitted to indicate a vote cast on a ballot card. Revises the printed instructions for optical scan ballots to permit a voter to darken the circle, oval, or square indicating the candidate voted for. Specifies that "independent ticket" refers only to tickets for: (1) President and Vice President of the United States; or (2) Governor and Lieutenant Governor. Revises the instructions for preparing: (1) an optical scan ballot card; or (2) an electronic voting system; that includes the offices of President and Vice President of the United States. Provides that references to punch card ballots expire December 31, 2005 (the use of punch card ballots is prohibited after that date). Removes references to: (1) ballot card and electronic voting systems in provisions that only apply to paper ballots; (2) lever voting machines; and (3) the use of punch card ballots for presidential elections. Requires that certain features of an electronic voting system concerning the verification or correction of a voter's ballot apply after December 31, 2005.

Senate Bill 15 (Public Law 103-2005)

Author: Lawson

Sponsor: Richardson

Citations Affected: IC 3-5; 3-11; 3-11.7; 3-12; 3-14; 35-44

Effective: July 1, 2005

Absentee ballots. Provides that an absentee ballot application may not be given to a voter if certain information has been filled out before the application is given to the voter. Permits other information to be filled out before given to the voter. Requires an absentee ballot application to be filed within specific times. Requires an individual who assists a voter complete certain information on an absentee ballot application or who files an absentee ballot application for another individual to sign an affidavit attesting to certain information. Requires an applicant for an absentee ballot to affirm the content of the application under the penalties for perjury. Removes a provision concerning an absentee ballot application submitted by: (1) a confined voter; or (2) a voter caring for a confined person; in a county having a consolidated city. Establishes noon of the day before election day as the deadline for a confined voter or a voter

caring for a confined person to submit an absentee ballot application by fax. Permits a county election board member or an absentee voter board member to file an affidavit alleging that an absentee ballot application has not been filed according to law. Provides that a person may not engage in electioneering in the presence of an individual who possesses an absentee ballot. Provides that a voter who is an address confidentiality program participant is entitled to cast an absentee ballot. Requires certain persons who deliver an absentee ballot to a voter to affirm certain facts under penalties for perjury. Allows: (1) an authorized agent or employee of a county election board; or (2) an employee of a bonded courier company; to handle or deliver a voted or unvoted absentee ballot. Allows a person who receives a voted absentee ballot to deliver the ballot to the county election board: (1) in person, (2) by United States mail, or (3) by a bonded courier company. Requires a person who votes an absentee ballot before an absentee board in the office of the circuit court clerk or at a satellite office to provide proof of identification before being permitted to vote. Makes other changes relating to absentee ballots. Removes references to the delivery of ballots printed by the election division to conform with 2004 legislation providing that the election division will no longer print ballots. Establishes new criminal offenses relating to fraud and misrepresentation in elections. Excludes from the definition of "electioneering" a person's communications to: (1) the person's spouse; (2) an incapacitated person for whom the person has been appointed guardian; and (3) a member of the person's household. Provides that "electioneering" does not include expressing support or opposition to a candidate or a political party or expressing approval or disapproval of a public question in material mailed to a voter.

Senate Bill 179 (Public Law 119-2005)

Author: Dillon

Sponsor: Thomas

Citations Affected: IC 3-13; 5-8; 20-3; 20-5; 20-25; 20-26; 34-17; 35-50

Effective: July 1, 2005

Vacancies caused by death. Establishes a procedure to give notice of the death of an officeholder to begin the process of filling the vacancy in office. Changes the time limit for holding a meeting or caucus to fill a vacancy. Specifies the 30 day period for a major party caucus to fill a vacant town or township office. Extends the notice procedure that applies when an officeholder dies to an officeholder removed from office because of a felony conviction, certain misdemeanor convictions, or after a civil proceeding contesting the right of an individual to hold an office. Adds a cross reference to school board offices to the notice procedure that applies when an officeholder dies. Resolves conflicts with the Title 20 recodification legislation.

Senate Bill 341 (Public Law 230-2005)

Author: Lawson

Sponsor: Richardson

Citations Affected: IC 3-5; 3-6; 3-8; 3-10; 3-11; 3-11.5; 3-11.7; 3-12; 3-13; 3-14; 9-13; 12-7; 16-18; 20-3; 20-4; 20-23; 36-2; 36-3; 36-4; 36-5; 36-6

Effective: Upon Passage (May 12, 2005); July 1, 2005

Various election law matters. Authorizes imposition of civil penalties on precinct election officers who fail to perform their duties. Establishes a certified election worker program for education of precinct election officers and county election officials. Resolves a conflict in current

law regarding voting in municipal elections by voters who no longer reside in a municipality. Permits a county voter registration office to update a voter's registration record by examining the poll list after election day to determine if certain first time voters have submitted documentation required under the Help America Vote Act. Specifies when affidavits executed by certain challenged voters are required to be forwarded by the county election board to the prosecuting attorney. Makes various changes to election law relating to the following: (1) Appeal of county election board decisions. (2) Precinct election officer status, training, and duties. (3) Identification of challengers, watchers, and pollbook holders. (4) Filing election related documents. (5) Withdrawal of candidates. (6) Disqualification of candidates. (7) Town convention procedures. (8) Listing of names of candidates on the ballot. (9) Requirements for the numbers of ballots provided to precincts. (10) Handling of ballots and other election materials. (11) Location of precincts. (12) Location of challengers. (13) Resolution of tie votes in elections for certain offices. (14) Filling candidate vacancies. (15) Filing petitions of nomination for school board elections. Removes obsolete date references, and updates other references. Repeals obsolete provisions. Resolves conflicts between SB 341 and the Title 20 recodification bill.

Senate Bill 419 (Public Law 198-2005)

Author: Steele

Sponsor: Koch

Citations Affected: IC 3-7; 3-11; 3-11.5; 3-12

Effective: Upon Passage (May 11, 2005); July 1, 2005

Military and overseas voters. Permits the use of electronic mail to transmit and receive ballots from military voters and overseas voters through a program authorized and administered by the United States Department of Defense. Provides that the federal form serving as both a registration application and absentee ballot application for military and overseas voters may be submitted by facsimile (fax) transmission. Specifies which types of overseas voters are subject to the provision entitling the voter to cast a ballot for federal offices only. Removes obsolete provisions concerning the printing of certain ballots by the election division. Requires the documentation of certain information concerning absentee applications and ballots cast by military and overseas voters. Conforms state law to 2004 federal legislation requiring the counting of ballots only for federal offices cast by military voters present within the United States, and permitting state law to authorize the counting of these ballots regardless of when a county election board might receive an application for a regular absentee ballot from a military voter or overseas voter.

Senate Bill 482 (Public Law 81-2005)

Author: Lawson

Sponsor: Thomas

Citations Affected: IC 3-7; 3-8; 3-14; 12-7; 12-14; 12-15; 16-18; 16-35; 16-37

Effective: Upon Passage (April 25, 2005); July 1, 2005; January 1, 2006

Voter registration. Amends procedures for processing incomplete or late registration applications or transfers and for forwarding applications between county voter registration offices. Makes changes relating to the location of voter registration form distribution sites and "full service" voter registration sites. Requires that a downloadable version of the current

registration by mail form be published on the election division web site. Removes references to providing paper copies of registration forms. Requires the statewide voter registration list and each of its components to be used solely for voter registration and election administration purposes, except as otherwise specified by law. Prescribes procedures for making certain voter registration data from the statewide voter registration list available. Permits circuit court clerks to use the statewide voter registration list to certify official returns from presidential primaries in the same manner that other election results may be certified using the list. Requires a local health officer to make information concerning the Social Security numbers of deceased individuals available to the secretary of state and election division for voter list maintenance. Updates obsolete references.

Senate Bill 483 (109-2005)

Authors: Heinold, Lawson

Sponsor: T. Brown

Citations Affected: IC 3-5; 3-10; 3-11; 3-11.5; 3-11.7; 9-24; 9-29

Effective: July 1, 2005

Voter identification. Requires a precinct election officer to ask a voter to provide proof of identification before the voter is permitted to vote. Provides that a proof of identification is a document issued by the United States or the state of Indiana that shows: (1) the name of the individual to whom the document was issued; and (2) a photograph of that individual. Allows the use of a document that expired after the date of the most recent general election. Specifies that a voter who is unable or declines to produce proof of identification at the polls receives a provisional ballot if the voter signs the affidavit required for a provisional ballot. Requires the county election board to count the provisional ballot if : (1) the voter appears before the board after leaving the polls and before noon on the Monday following the election, and: (A) produces proof of identification; or (B) executes an affidavit stating that the voter cannot obtain proof of identification, because the voter: (i) is indigent; or (ii) has a religious objection to being photographed; and (2) the voter has not been challenged or required to vote a provisional ballot for any other reason. Specifies that voters casting an absentee ballot or voters who vote from certain health facilities at which the precinct polls are located are not required to provide proof of identification. Requires a voter who registered by mail and is voting for the first time in a county election to continue to provide the documentation required by federal law as well as producing proof of identification. Adds cross-references concerning poll lists. Provides that the bureau of motor vehicles may not impose a fee for the issuance of a identification card when an individual does not have a valid Indiana driver's license and will be at least 18 by the next general, municipal, or special election.

House Bill 1407 (Public Law 221-2005)

Author: Richardson

Sponsors: Lawson, Breaux

Citations Affected: IC 3-5; 3-6; 3-8; 3-9; 3-10; 3-11; 3-11.5; 3-11.7; 3-12; 3-14; 5-4; 9-16

Effective: Upon Passage (May 11, 2005); July 1, 2005

Various election law matters. Makes the following changes to election law: (1) Changes the certification process for voting systems. (2) Establishes a voting systems technical oversight program. (3) Requires county election boards to perform public tests of electronic voting systems before election day and makes other changes relating to testing voting systems. (4) Establishes civil penalties for violations of statutes concerning the use of voting systems in Indiana. (5) Requires a county that uses a punch card voting system to enter into a contract, not later than July 1, 2005, for a voting system certified for use in Indiana for delivery not later than January 1, 2006. (6) Authorizes the secretary of state to purchase a voting system for the county if the county does not act. (7) Permits a voting system previously certified for use in Indiana to continue to be used after the certification expires if the voting system complies with the requirements of HAVA. (8) Makes other technical changes relating to voting systems. (9) Provides that a person who has been notified of a proposed civil penalty for violation of campaign finance laws may enter into a settlement agreement with the election division. (10) Changes the schedule and requirements for filing campaign finance reports by candidates for a state office. (11) Permits the election division to authorize county adoption of a proposed precinct establishment order submitted by a county if a voter of the county does not file an objection to the proposed order. (12) Requires the counting of a defective provisional ballot that is defective solely because of an act or a failure to act of an election officer unless fraud, tampering, or misconduct affecting the integrity of the ballot is demonstrated. Provides that a county election board can determine by a majority vote of the members not to count such a provisional ballot. (13) Provides for an additional seven days for the certification of election results and the filing of recounts or contests. (14) Provides that personal service upon an individual in a state recount or contest proceeding is not required if the individual's attorney has filed an appearance with the election division and is provided with service. (15) Makes the provision imposing the 1% requirement to determine the amount of the cash deposit needed for a recount consistent for both petitions and cross-petitions. (16) Permits certain parties to a recount or contest to file a joint motion to dismiss before the completion of the recount or contest. (17) Specifies that recounts and contests may be conducted and votes counted for an office only in a precinct within the election district for the office. (18) Amends statutes relating to impoundment of records and equipment by order of the state recount commission. (19) Provides that the state recount commission's authority, in case of fraud or misconduct, to order that none of the ballots cast in a precinct be counted applies to ballots cast by any voting method. (20) Assigns responsibility for custody of original voter registration records for purposes of scanning the records for inclusion of information on the statewide voter registration list. (21) Eliminates the requirement that the governor and the lieutenant governor take the oath of office in the presence of both houses of the general assembly. (22) Requires all full service license branches to be open on the day before election day and on election day to issue driver's licenses and state identification cards. (23) Removes obsolete references to voting machines, punch card voting systems, and paper ballots. (24) Repeals obsolete statutes relating to voting machines.

ENVIRONMENT

See also:

SB 446: Liens for stormwater management district fees.

[Local Government]

HB 1653: Permit issuance and immunity from liability.

[Economic Development]

Senate Bill 44 (Public Law 12-2005)

Authors: Gard, Hume

Sponsor: Wolkins

Citations Affected: IC 13-11; 13-13; 13-21; 13-28; P.L. 248-2001;

Effective: July 1, 2005

Environmental committees. Makes the environmental quality service council (EQSC) permanent. Repeals the compliance advisory panel and reestablishes the panel as a committee of the EQSC.

Senate Bill 195 (Public Law 63-2005)

Author: Kenley

Sponsor: Heim

Citations Affected: Noncode

Effective: Upon Passage (April 22, 2005)

Environmental crimes task force. Establishes the environmental crimes task force to study the appropriate class of criminal violation that should be assigned to each type of environmental crime. Requires the task force to file a final report before November 1, 2007.

Senate Bill 279 (Public Law 154-2005)

Author: Gard

Sponsor: Wolkins

Citations Affected: IC 13-11; 13-19; 13-20

Effective: July 1, 2005

Various environmental matters. Provides that good character requirements apply only to an applicant for the issuance, transfer, or major modification of a permit for a solid waste processing facility, solid waste disposal facility, or hazardous waste facility. Excepts from the requirements certain entities that already hold permits, but limits the exception in certain cases where ownership interests change. Expands the definition of solid waste processing facility. With respect to requirements to demonstrate local or regional need for applications for permits for certain solid waste facilities, excepts certain limited liability companies from the requirements and applies the requirements to solid waste disposal and processing facilities (except transfer stations) instead of solid waste management facilities. Eliminates a requirement for inclusion of certain information in a manifest for transportation of municipal waste from a solid waste processing facility. Amends procedures and limitations concerning suspension of authority to engage in waste transfer activities. Repeals certain requirements concerning the submission of

disclosure statements by solid waste operators and responsible parties, and the posting of surety bonds by nonresident operators.

Senate Bill 619 (Public Law 99-2005)

Author: Gard

Sponsor: Wolkins

Citations Affected: IC 4-21.5; 14-10; 25-17.6; 25-31.5

Effective: July 1, 2005

Administrative hearings. Requires the office of environmental adjudication to: (1) review agency actions of the department of environmental management (IDEM) and certain actions of environmental rulemaking boards; and (2) conduct adjudicatory hearings required to implement agency action of IDEM. Provides that an environmental law judge (ELJ) is the ultimate authority for reviews of: (1) agency actions of IDEM; and (2) certain actions of environmental rulemaking boards. States the standards for removal of an ELJ or an administrative law judge (ALJ) of the natural resources commission. Provides for the appointment of a special ELJ or special ALJ.

Senate Bill 620 (Public Law 54-2005)

Authors: Gard, Broden

Sponsor: Wolkins

Citations Affected: IC 13-14; 13-18

Effective: Upon Passage (April 21, 2005)

Combined sewer overflows. Amends the permissible terms of certain variances from water quality standards and of variance renewals. Requires a variance application to include a pollutant minimization plan. Establishes a combined sewer overflow (CSO) wet weather limited use subcategory for waters affected by receiving CSO's as specified in an approved long term control plan. Establishes requirements for long term control plans. Provides that where appropriate, environmental permits must contain a schedule of compliance. Requires the department of environmental management (IDEM), upon request of an NPDES permittee, to establish a schedule of compliance to meet water quality based requirements during development, approval, and implementation of a long term control plan. Requires IDEM to review and revise the guidance developed for CSO communities.

House Bill 1033 (Public Law 208-2005)

Author: Heim

Sponsors: Gard, Heinold

Citations Affected: IC 6-1.1; 6-1.5, 6-3.1; 13-11; 13-25; 34-13

Effective: Retroactive (January 1, 2005); July 1, 2005

The environment. Establishes a procedure for an owner of a brownfield to petition the department of local government finance to waive or reduce the outstanding charges against the brownfield listed on the tax duplicate. Requires the county property tax assessment board of appeals and the county or municipal fiscal body to review the petition before final action by the department. Extends the voluntary remediation tax credit by two years. Increases the maximum credit amount and changes the method of computation of the amount. Increases the total amount of credits allowed statewide to \$2,000,000. Provides that, for purposes of the law concerning

underground storage tanks and petroleum releases: (1) a person is considered an owner or operator; and (2) a governmental entity is not an owner or an operator; of an underground storage tank or a petroleum facility if the person conveyed ownership or control of the tank or facility to the governmental entity because of circumstances in which the governmental entity involuntarily acquired ownership or control. Provides that a governmental entity is not liable for costs or damages associated with the presence of a hazardous substance on a property in which the political subdivision acquired an interest because of circumstances in which the governmental entity involuntarily acquired an interest in the property unless the governmental entity causes or contributes to the release or threatened release of the hazardous substance. Provides that a governmental entity is not liable if a loss results from an act taken to investigate or remediate hazardous substances, petroleum, or other pollutants associated with a brownfield unless the loss is the result of reckless conduct or the entity was responsible for the initial placement of the pollutants on the brownfield. Expands the application of the waste tire fee to tires mounted on farm tractors, implements of husbandry, and semitrailers. Requires the environmental quality service council to study issues concerning energy matters, including investigating methods to increase research, development, production, and use of alternative fuels.

House Bill 1059 (Public Law 172-2005)

Author: Grubb

Sponsors: Gard, Skinner

Citations Affected: IC 13-22

Effective: Upon Passage (May 6, 2005)

Chemical munitions disposal and transport. Provides that a hazardous waste facility that generates or treats certain hazardous wastes associated with chemical munitions must demonstrate that the wastes will be destroyed or treated to certain standards or levels. Requires the department of environmental management (IDEM) to implement an inspection and oversight protocol to ensure enforcement. Requires a person that transports chemical munitions or hazardous waste derived from bulk neutralization and destruction of the agent VX to:

- (1) coordinate the transport with each state through which the substance will be transported;
- (2) file with IDEM, the state police department, and the state emergency management agency an evaluation of potential transportation risks and a transport safety plan; and
- (3) transport only at times that provide maximum public safety.

House Bill 1200 (Public Law 189-2005)

Author: Thompson

Sponsors: Lawson, Harrison

Citations Affected: IC 5-11; 13-19; 13-21; 13-26; 14-33

Effective: Retroactive (January 1, 2005); July 1, 2005; Upon Passage (May 7, 2005)

Allows a county that does not contain a city to change the composition of the county solid waste district board if the county executive and the county fiscal body agree to the change. Provides that: (1) if a campground elects to be billed for sewage service by use of a meter, the rate charged by a district board for the metered sewage service may not exceed the rate charged to residential customers for equivalent usage; and (2) if a campground does not install a meter and is billed for sewage service at a flat rate, each campsite at a campground may not equal more

than 1/3 of one resident equivalent unit. Establishes a minimum monthly charge for campgrounds that elect to be billed by use of a meter. Allows a campground to file with the Indiana utility regulatory commission a request for review of a disputed matter with a district board to be conducted by the commission's appeals division. Adds provisions regarding dissolution of a smaller conservancy district and the assumption of the operations, obligations, and assets of the smaller district by a larger contiguous conservancy district that shares a common purpose with the smaller district. Extends the period in which a solid waste management district that owns its own landfill must file a report with the state board of accounts. Exempts a district from the requirement that the fiscal body of a county in which a district is located must approve the use of certain property tax revenue within the district if the district: (1) owns a landfill; (2) will use property tax revenue to construct a new landfill cell or close a landfill cell at the landfill; and (3) has received approval from the county fiscal body to construct or close the landfill cell. Requires certain solid waste landfills that accept only construction\demolition waste to comply with setback requirements concerning public schools established by the solid waste management board for municipal solid waste landfills.

House Bill 1431 (Public Law 241-2005)

Author: Friend

Sponsors: Weatherwax, Meeks

Citations Affected: IC 6-7; 13-11; 13-18; 14-32; 15-1.5; 15-6

Effective: July 1, 2005

Clean water funding, agriculture and wetlands. Clean water funding, agriculture, and wetlands. Reduces the amount that is annually appropriated from the cigarette tax fund to the department of natural resources from one-third to one-sixth of the money in the fund. Annually deposits one-sixth of the money in the cigarette tax fund in the clean water Indiana fund. Provides that an exempt isolated wetland may be an isolated wetland that is located on land: (1) subject to regulation under United States Department of Agriculture wetland conservation programs, including Swampbuster and the Wetlands Reserve Program, because of voluntary enrollment in a federal farm program; and (2) used for agricultural or other purposes allowed under the programs. Provides that a wetland that is created or restored as a water of the United States may be used, as an alternative to the creation or restoration of an isolated wetland, as compensatory mitigation. Provides that the staff of the center for agricultural science and heritage (the barn) are employees of the state fair commission (commission) and that the barn ceases to be a body corporate and politic. Provides that the commission pay the operating expenses of the barn from the funds of the commission and that real property may not be held in the name of the barn. Revises the term of an individual on the board of trustees of the center for agricultural science and heritage (the barn) to four years and limits years of service in a 12 year period. Authorizes the barn director to hire staff and delegate authority. Repeals and relocates definitions pertaining to the barn. Makes conforming amendments. Provides that the dairy industry development board instead of the treasurer of state has custody of money received as assessments under the dairy industry development law. Requires the board to establish a fund controlled by the board in which to deposit assessments. Requires the board to invest the money as other public

funds are invested. Appropriates the money in the dairy industry development fund on June 30, 2005, to the board. Requires the board to submit its independent audit to the state board of accounts and the department of agriculture. Repeals the dairy industry development fund.

FAMILY AND JUVENILE LAW

See also:

SB 529: Department of child services and various human services.
[Human Services]

HB 1263: Domestic relations alternative dispute resolution.
[Courts and Court Officers]

HB 1358: Rubella test for marriage license.
[Health]

Senate Bill 2 (Public Law 68-2005)

Author: Ford

Sponsor: Duncan

Citations Affected: IC 9-24; 9-25; 10-16; 12-17; 29-3; 31-9; 31-12; 31-14; 31-15; 31-16;
31-17; 31-18; 31-35; 34-7; 34-26; 35-42

Effective: July 1, 2005

Parenting time. Replaces references to "visitation" with "parenting time" in parental custody statutes. Provides that a prosecuting attorney or private attorney in a Title IV-D case is not required to litigate a dispute between the parties relating to the amount of parenting time or parenting time credit. Makes a technical correction. (The introduced version of this bill was prepared by the child custody and support advisory committee.)

Senate Bill 8 (Public Law 112-2005)

Author: Ford

Sponsor: Duncan

Citations Affected: 34-6; 34-57

Effective: July 1, 2005

Arbitration in family law. Specifies the procedures for family law arbitration cases.

Senate Bill 340 (Public Law 129-2005)

Author: Lawson

Sponsor: Budak

Citations Affected: IC 31-9; 31-17; 31-19; 31-34; 33-24

Effective: July 1, 2005

Child abuse and neglect; adoption proceedings; GAL/CASA funding. Requires the court to determine whether a person, licensed child placing agency, or county office of family and children placing a child for adoption has provided required documents to the prospective adoptive parents before granting the adoption. Provides that if a person representing the state

files a motion to dismiss a child in need of services petition, the person must provide a statement that sets forth the reasons for requesting the dismissal. Provides that the court shall, not later than ten days after the motion to dismiss is filed, grant the motion or set a date for a hearing on the motion. Requires the person, licensed child placing agency, or county office of family and children placing a child for adoption to give the adoptive parents a report concerning nonidentifying information concerning the birth parents at the time the home study or evaluation concerning the suitability of the proposed home for the child is commenced. Provides that if the court sets a date for a hearing, the court may appoint a guardian ad litem or a court appointed special advocate, or both, to represent the best interests of the child. Adds court appointed special advocates (CASA) to the list of individuals who may: (1) petition a court to order a custodian to obtain counseling for a child; (2) petition a juvenile court to modify a dispositional decree; and (3) receive a notice of an initial hearing concerning a children in need of services (CHINS) petition. Permits the county office of family and children to request that a juvenile court appoint a CASA for a child. Provides that a court may make certain CHINS reports available to a CASA. Prohibits a sex offender from adopting. Provides that guardian ad litem or CASA programs certified by the supreme court are eligible for certain funding.

Senate Bill 422 (Public Law 130-2005)

Authors: Clark, Broden

Sponsor: Frizzell

Citations Affected: IC 31-19; 31-35; 35-46

Effective: July 1, 2005

Adoption procedural requirements. Establishes requirements for prebirth waivers of paternity and waivers of notice of adoption, and specifies that a waiver is irrevocable. Prohibits a mother from executing a prebirth consent to adoption, and requires a father's prebirth consent to adoption to: (1) be in writing; (2) be notarized; and (3) contain an advisement that the waiver is irrevocable. Specifies that the burden of proof in certain adoption proceedings is by clear and convincing evidence. Provides that a child support arrearage owed to a child is not extinguished when the child is adopted. Permits the transfer of adoption records to the state registrar. Makes a name change requested in an out-of-state adoption petition effective in Indiana.

House Bill 1217 (Public Law 100-2005)

Author: Frizzell

Sponsors: Clark, Lawson

Citations Affected: IC 31-19

Effective: July 1, 2005

Release of adoption history. Requires a person, a licensed child placing agency, or a county office of family and children to release to an adult adoptee certain social, medical, psychological, and educational records and reports concerning the adoptee, including adoption information from adoptions granted before July 1, 1993.

GAMING

See also:

SB 496: Use of riverboat gaming revenues.

[Taxation]

HB 1001: Voiding of transfer fee rule.

[Budget]

HB 1120: Riverboat admissions tax.

[Economic Development]

Senate Bill 92 (Public Law 70-2005)

Author: Ford

Sponsor: Murphy

Citations Affected: IC 34-30; 35-45

Effective: July 1, 2005

Internet gambling. Makes it a Class D felony for an operator of an Internet site to knowingly or intentionally use the Internet to engage in unlawful or professional gambling. Provides that an interactive computer service has a cause of action against a person who initiates or assists the transmission of a commercial electronic mail message that violates the prohibition against using the Internet to engage in unlawful or professional gambling.

Senate Bill 140 (Public Law 150-2005)

Author: Paul

Sponsor: Saunders

Citations Affected: IC 4-32

Effective: Upon Passage (May 6, 2005)

Use of charity gaming proceeds. Prohibits the department of state revenue (department) from adopting a rule requiring a qualified organization to use a minimum percentage of its gross receipts from allowable events for its lawful purposes. Eliminates the department's authority to set by rule the allowable expenditures of a qualified organization with respect to an allowable event. Sets forth the expenses that may be subtracted from gross receipts to determine a qualified organization's net proceeds from an allowable event. Authorizes certain nonprofit business organizations to conduct door prize events. Authorizes an annual door prize event license. Defines certain items used to conduct raffles as qualified personal property. Prohibits the department from adopting a rule or otherwise limiting the rent that may be charged to lease qualified personal property. Provides that a person who leases qualified personal property to a qualified organization is not an operator or a worker for the allowable event. Prohibits the department from denying a qualified organization's application for a charity gaming license on the basis of the rent charged to the qualified organization to lease qualified personal property. Voids certain rules adopted by the department regarding the use of charity gaming proceeds. Voids a rule limiting the amount of rent that may be charged to rent personal property.

Senate Bill 626 (Public Law 170-2005)

Author: Clark

Sponsor: Whetstone

Citations Affected: IC 4-33; 5-2; 5-10; 5-14; 35-47

Effective: Upon Passage (May 6, 2005); July 1, 2005

Riverboats. Reduces the number of gaming commission members who must be residents of the counties along Lake Michigan and the Ohio River. Provides that a riverboat operating in a county along Lake Michigan or the Ohio River must have either a valid certificate of inspection from the United States Coast Guard or a valid certification of compliance with marine structural and life safety standards determined by the gaming commission. Requires the gaming commission to employ its own gaming agents to perform certain statutory duties and removes the commission's authority to contract with others for the performance of those duties. Provides that gaming agents who complete a pre-basic training course and any other courses established by the gaming commission may exercise certain police powers without completing the basic training course provided at the law enforcement academies. Provides that gaming agents are members of the state excise police and conservation officers' retirement plan.

House Bill 1052 (Public Law 84-2005)

Author: Borrer

Sponsors: M. Young, Kruse

Citations Affected: IC 4-30

Effective: July 1, 2005

Lottery commission audit. Requires the state board of accounts to annually audit the operations of the lottery. Requires the lottery commission to pay for the audit. Changes the outside audit under the state budget agency to be optional instead of mandatory. Provides that the revenue and expenditure reports from the lottery commission are to be provided upon request of the state budget agency or state budget committee instead of annually. Removes specific items from being required in the report.

GENERAL PROVISIONS

Senate Bill 127 (Public Law 243-2005)

Author: Riegsecker

Sponsor: Torr

Citations Affected: IC 1-1

Effective: Upon Passage (May 13, 2005); January 1, 2006

Time observance in Indiana. Requires Indiana to observe daylight saving time throughout the state, beginning in 2006. Petitions the United States Department of Transportation to initiate proceedings to hold hearings on the issue of the location of the boundary between the Eastern Time Zone and the Central Time Zone in Indiana. Advises the Department of Transportation that any Indiana county currently located in the Central Time Zone should remain in the Central Time Zone and that Clark County, Dearborn County, Floyd County, Harrison County, and Ohio

County should remain in the Eastern Time Zone. Requires the governor to send a copy of the act to the Secretary of the United States Department of Transportation to notify the Department of the state's petition. Provides that the state supports the effort of any county to change the time zone in which the county is located under procedures established by federal law.

Senate Bill 433 (Public Law 164-2005)

Author: Lubbers

Sponsor: Behning

Citations Affected: IC 1-2

Effective: July 1, 2005

State poet laureate. Establishes a process for selecting a state poet laureate. Specifies the duties and compensation of the poet laureate. Provides that the person honored as the poet laureate by the house of representatives in 2002 is entitled to serve as the first poet laureate.

House Bill 1080 (Public Law 175-2005)

Author: Murphy

Sponsors: Server, Lutz

Citations Affected: IC 4-20.5; 14-20

Effective: July 1, 2005

Honoring former governors. Names the space between the two state office buildings to the west of the State House the "Robert D. Orr Plaza". Names the great hall of the Indiana state museum the "Governor Frank O'Bannon Great Hall".

HEALTH

See also:

SB 43: Health care provider credentialing.

[Insurance]

SB 172: Practice of dental hygiene without a license.

[Criminal Law]

SB 197: Reciprocity for dentists.

[Professions and Occupations]

SB 206: Home medical equipment services providers.

[Professions and Occupations]

SB 225: Office based sedation standards.

[Professions and Occupations]

SB 326: Information concerning meningococcal meningitis.

[Education]

SB 566: Healthcare Program and medical informatics commission.

[Technology]

Senate Bill 76 (Public Law 36-2005)

Authors: M. Young, Miller

Sponsor: Noe

Citations Affected: IC 16-34

Effective: July 1, 2005

Abortion requirements. Requires a health care provider to provide a pregnant woman with information regarding the availability of ultrasound imaging and auscultation of heart tones of a fetus before performing an abortion on the pregnant woman. Allows a pregnant woman to view the fetal ultrasound imaging and hear the auscultation of the fetal heart tone before an abortion is performed.

Senate Bill 224 (Public Law 152-2005)

Author: Miller

Sponsor: Becker

Citations Affected: IC 16-18; 16-27

Effective: July 1, 2005

Home health care services and hospice services council. Prevents a member of the home health care services and hospice services council from: (1) having an ownership interest in; or (2) serving as a voting member on the governing body of; a home health agency or a hospice. Removes the prohibition against a member having: (1) a pecuniary interest in; or (2) providing services through employment or under contract for; a home health agency or a hospice.

Senate Bill 268 (Public Law 126-2005)

Authors: Miller, Clark

Sponsor: T. Brown

Citations Affected: IC 16-18; 16-21; 16-34.5; 20-12; 25-22.5; 35-46

Effective: Upon Passage (May 4, 2005); July 1, 2005

Cloning. Declares that human cloning is against public policy. Prohibits the state, a state educational institution, or a political subdivision of the state from using resources to knowingly participate in human cloning activities. Requires the state department of health to revoke the license of a hospital that knowingly allows human cloning activities. Requires the medical licensing board to revoke the license of a physician who knowingly participates in human cloning. Allows Indiana University to establish an adult stem cell research center. Defines adult stem cell and fetal stem cell and provides that research on these types of stem cells is not included in the definition of cloning. Makes: (1) the unlawful participation in; (2) the implantation of or the attempt to implant the product of; and (3) the shipment or receipt of the product of; human cloning a Class D felony. Makes the purchase or sale of a human ovum, zygote, embryo, or fetus a Class C felony. Requires the state department of health to report to the legislative council concerning the feasibility of the state establishing an embryo adoption bank

Senate Bill 293 (Public Law 47-2005)

Authors: Miller, Howard

Sponsor: Frizzell

Citations Affected: IC 16-39

Effective: July 1, 2005

Health related information disclosure. Provides for disclosure of certain information concerning a missing person. Requires the state department of health to request a determination that the provision is not preempted by the federal Health Insurance Portability and Accountability Act.

Senate Bill 330 (Public Law 77-2005)

Authors: Ford, Lewis

Sponsor: T. Brown

Citations Affected: IC 26-2

Effective: July 1, 2005

Electronic health care transactions. Authorizes the use of electronic signature authentication and identification with respect to individually identifiable health information. Establishes permitted features of an electronic signature authentication and identification system that is used for certain transactions involving individually identifiable health information.

Senate Bill 360 (Public Law 196-2005)

Author: Miller

Sponsor: Becker

Citations Affected: IC 5-10; 16-18; 16-40; 27-8; 27-13

Effective: July 1, 2005

Morbid obesity. Removes language in the morbid obesity definition that refers to weight guidelines in the Metropolitan Life Insurance table. Specifies certain requirements for coverage for surgical treatment of morbid obesity under: (1) a state employee health plan; (2) an accident and sickness insurance policy; and (3) a health maintenance organization contract. Requires monitoring of patients and reporting of specified information by physicians to the state department of health.

Senate Bill 472 (Public Law 90-2005)

Authors: Lanane, Long

Sponsor: Welch

Citations Affected: IC 16-18; 16-21

Effective: Upon Passage (April 26, 2005); July 1, 2005

Services to sex crime victims. Increases from 48 to 96 hours the time a victim of a sex crime who is at least 18 years of age has to report the crime to qualify for reimbursement for emergency medical services. Provides that a victim less than 18 years of age must report a sex crime to child protective services or a law enforcement officer to qualify for reimbursement, but the action is not subject to any time requirements in doing so. Requires the victim services division of the criminal justice institute to make prompt decisions on applications for reimbursement for emergency services provided to victims of sex crimes.

Senate Bill 538 (Public Law 135-2005)

Authors: Gard, Sipes

Sponsor: Becker

Citations Affected: IC 12-15; 16-41

Effective: July 1, 2005

Lead poisoning. Requires the office of Medicaid policy and planning to develop: (1) measures to evaluate Medicaid managed care organizations in screening children for lead poisoning; (2) a system to maintain the results of the evaluation in written form; and (3) a performance incentive program. Removes a reference to the lead poisoning program from a communicable disease law. Requires the state department of health to adopt rules for case management of children with lead poisoning. Allows the state department of health to coordinate lead poisoning outreach programs with social service organizations. Requires reporting, monitoring, and preventive procedures to protect children from lead poisoning. Requires certain persons to submit lead testing reports to the state department of health in an electronic format. Allows certain governmental agencies to share lead testing information with each other. Requires the state department to issue an annual report.

Senate Bill 568 (Public Law 96-2005)

Author: Miller

Sponsor: J. Lutz

Citations Affected: IC 16-18; 16-21; 16-31

Effective: July 1, 2005

Birthing centers. Requires birthing centers and abortion clinics to be licensed by the state department of health. Excludes a birthing center from the definition of an ambulatory outpatient surgical center.

Senate Bill 603 (Public Law 48-2005)

Authors: Landske, Breaux

Sponsor: Frizzell

Citations Affected: IC 12-15; 16-38

Effective: July 1, 2005

Kidney disease. Adds kidney disease to the chronic disease management program and the chronic disease registry.

House Bill 1056 (Public Law 139-2005)

Author: Duncan

Sponsors: Weatherwax, Jackman

Citations Affected: IC 16-42

Effective: Retroactive (January 1, 2005)

Food handler exemption. Changes the food requirements for a food establishment to be exempt from being required to have a certified food handler. Provides that a food establishment that is more than 10,000 square feet in retail sales space must have a certified food handler. Provides that the certified food handler requirements do not apply to food provided by an area agency on

aging's nutrition service program or by a food pantry. Provides that certain nonprofit organizations are not required to use certified food handlers.

House Bill 1320 (Public Law 67-2005)

Author: Becker

Sponsors: Miller, Server

Citations Affected: IC 16-18; 16-21

Effective: July 1, 2005

Health entity construction projects. Requires public hearings before certain hospital and ambulatory outpatient surgical center construction projects may begin.

House Bill 1358 (Public Law 41-2005)

Author: C. Brown

Sponsors: Miller, Rogers

Citations Affected: IC 31-11; 34-46

Effective: Upon Passage (April 19, 2005)

Rubella test. Repeals the requirement that a woman less than 50 years of age applying for a marriage license must be examined by a physician and tested for rubella. Makes conforming changes.

House Bill 1553 (Public Law 184-2005)

Author: Buell

Sponsors: Miller, Breaux

Citations Affected: IC 5-15; 5-22; 16-18; 16-22; 36-1

Effective: July 1, 2005

Health and hospital corporation. Changes various duties of the health and hospital corporation of Marion County and the corporation's board. Allows board members to waive compensation. Allows certain documents to be maintained in an electronic format. Allows the board to codify ordinances. Provides the division of public health with the powers and duties of a local department of health. Changes the responsibilities of the director of the division of public health. Establishes procedures for enforcing certain orders. Makes technical and conforming changes. Amends surplus property laws concerning hospitals. Repeals laws concerning the corporation's personnel system and tuberculosis commitment proceedings.

HUMAN SERVICES

See also:

SB 340: Child abuse and neglect; adoption proceedings; GAL/CASA funding.
[Family and Juvenile Law]

SB 538: Lead poisoning.
[Health]

HB 1098: Prescription drugs and health professions.
[Professions and Occupations]

Senate Bill 66 (Public Law 145-2005)

Author: Dillon

Sponsor: Becker

Citations Affected: IC 12-15; 12-16; 34-30

Effective: Retroactive (July 1, 2003; July 1, 2004; December 30, 2004; December 31, 2004); Upon Passage (May 5, 2005)

Hospital care and reimbursement. Extends provisions of law that: (1) prohibit the office of Medicaid policy (office) or the office's managed care contractor from providing incentives or mandates that direct certain individuals to specified hospitals other than the hospital located in the city where the patient resides unless specified conditions are met; (2) require reimbursement for specified hospitals for services provided if certain conditions are met; and (3) require an inflation adjustment factor to be applied to the reimbursements. Extends the deadline by which a hospital has to file an application for the hospital care for the indigent program (program) from 30 days to 45 days. Specifies the services or items included as a payable claim in the program. Makes changes to the procedures and requirements to file a claim and determine eligibility in the program. Provides immunity for administration of certain agreements between a hospital and the division of family and children. Repeals certain laws concerning: (1) provider agreements; and (2) the hospital care for the indigent care program.

Senate Bill 376 (Public Law 107-2005)

Author: Lawson

Sponsor: Budak

Citations Affected: IC 12-7; 12-17.2

Effective: Upon Passage (April 27, 2005)

Committee on child care. Establishes the committee on child care. Specifies areas of study and reporting by the committee. Repeals the law concerning the board for the coordination of child care regulation.

Senate Bill 420 (Public Law 162-2005)

Author: Lawson

Sponsor: Budak

Citations Affected: IC 12-17.2

Effective: July 1, 2005

Child care supervision. Prohibits the inclusion of a child care home's address on the division of family and children's Internet web site. Allows for either emergency lighting or illuminated exit signs in class I and class II child care homes. Requires a child care home that receives a voucher payment and a licensed child care home to receive training concerning safe sleeping practices for children. Requires the division of family and children to provide or approve training concerning safe sleeping practices for children. Requires the publisher of the Indiana Administrative Code and the Indiana Register to remove a provision concerning child care provider supervision of children from the Indiana Administrative Code.

Senate Bill 432 (Public Law 163-2005)

Author: Miller

Sponsor: Becker

Citations Affected: Noncode

Effective: July 1, 2005

Long term care plan. Requires the office of the secretary of family and social services to develop a plan concerning specified issues relating to long term care and Medicaid costs and submit the plan to legislative council.

Senate Bill 481 (Public Law 133-2005)

Author: Lawson

Sponsor: Budak

Citations Affected: IC 12-7; 12-13

Effective: July 1, 2005

Transitional services Medicaid waiver. Allows the division of family and children to implement a program to provide transitional services to individuals who have become or will become 18 years of age or emancipated while receiving foster care. Allows the office of Medicaid policy and planning to apply for an amendment to the state Medicaid plan and, if necessary, apply for a Medicaid waiver to provide services to individuals who are at least 18 years of age but less than 21 years of age who have become too old to be eligible for foster care.

Senate Bill 523 (Public Law 92-2005)

Authors: Wyss, Sipes

Sponsor: Borrer

Citations Affected: IC 12-7; 12-14

Effective: July 1, 2005

Assistance for reentry court program participants. Makes permanent a temporary law that permits certain drug offenders participating in a reentry court program to receive food stamps or Temporary Assistance to Needy Families (TANF).

Senate Bill 529 (Public Law 234-2005)

Author: Lawson

Sponsor: Behning

Citations Affected: IC 4-21.5; 5-22; 6-1.1; 6-3.5; 10-13; 12-7; 12-8; 12-13; 12-14; 12-17; 12-17.4; 12-18; 12-19; 12-24; 20-19; 25-11; 31-9; 31-16; 31-19; 31-33; 31-34; 31-37; 31-39; 36-2

Effective: Upon passage (May 12, 2005); July 1, 2005; July 1, 2006

Department of child services and various human services. Provides for review by the department of local government finance if a county does not levy the amount necessary to pay for child services or children's psychiatric residential treatment services. Extends the expiration of the office of the secretary of family and social services and its divisions to January 1, 2008. Establishes the department of child services and moves specified duties and services to the department. Adds references to the state central collection unit concerning income withholding

by employers for child support payments and allows the department of child services to assess a civil penalty of \$25 per obligor per pay period against certain income payors that do not make the payment through electronic funds transfer. Renames the division of family and children to the division of family resources and renames the division's bureaus. Authorizes the state to procure child services and other related services on behalf of a county. Establishes the select committee on the reorganization of child services and assigns committee duties. Requires a juvenile court to appoint a guardian ad litem for a child in need of services in certain situations. Establishes the child support bureau within the department of child services. Provides immunity to the director and employees of the department of child services. Provides that a reference to the division of family and children is to be construed as a reference to the department of child services in certain statutes. Requires local child protection services to maintain sufficient staff. Requires the department of child services to make certain reports to the budget committee and the legislative council. Changes the expiration of a license for a child caring institution and of a foster family home license from two to four years. Requires the department of child services to adopt rules governing the number of hours required for foster parent training. Allows the state police to conduct a name based criminal history check of persons who reside in a location where a child will be placed under certain circumstances. Requires the state police to verify the name based criminal history check through fingerprint identification, and permits a person who believes that the results of the name based criminal history check are incorrect to challenge the results by submitting the person's fingerprints. Removes a provision authorizing the division of family and children or a juvenile probation officer to directly conduct a criminal history check, requiring instead that the juvenile probation officer or division of family and children caseworker request that the state police conduct the criminal history check. Specifies that the department of child services, a local child protective service, a local child fatality review team, or the statewide child fatality review committee must disclose certain redacted records concerning the death or near fatality of a child regardless of when the records were created. Provides that certain information concerning the death or near fatality of a child is not required to be redacted. Requires a local child fatality review team and the statewide child fatality review committee to review records concerning a child whose death may have been the result of abuse or neglect. Specifies the circumstances under which a child's death may have been the result of abuse or neglect. Requires the department of child services, the department of education, the department of correction, and the division of mental health to develop and coordinate the children's social, emotional and behavioral health plan. Requires the office of Medicaid policy and planning to apply for a Medicaid waiver to provide coverage for mental health services to a special needs adopted child who is not more than 18 years of age. Permits a licensed collection agency to collect child support arrearages in certain situations. Provides that the child support bureau has certain duties concerning the collection of child support arrearages by a licensed collection agency. Provides that each county auditor shall keep records and make reports related to certain transactions and funds as required by the department of child services. Provides that the director of the department of child services is to be consulted in the appointment of a director of a county office of the division of family resources. Repeals: (1) statutes that require county offices of family and children to establish a local child protection service; (2) the designation of the child support bureau within the division of family and children as the state's designated Title IV-D agency;

(3) duplicate provisions related to certain reports; and (4) statutes concerning provisional licenses for foster homes, group homes, child caring institutions, and child placing agencies. Makes technical corrections.

Senate Bill 572 (Public Law 20-2005)

Authors: Miller, Simpson

Sponsor: T. Brown

Citations Affected: Noncode

Effective: Upon Passage (April 13, 2005)

Medicaid waiver for family planning services. Requires the office of Medicaid policy and planning to apply for a demonstration waiver to extend Medicaid coverage of family planning services for certain women.

Senate Bill 615 (Public Law 137-2005)

Authors: Server, Broden

Sponsor: Becker

Citations Affected: IC 12-10; P.L. 274-2003

Effective: Upon Passage (May 4, 2005); July 1, 2005

CHOICE board. Adds additional members to, and additional duties for, the community and home options to institutional care for the elderly and disabled (CHOICE) board. Extends certain expiration dates.

House Bill 1069 (Public Law 37-2005)

Author: Hinkle

Sponsors: M. Young, Server

Citations Affected: IC 12-10.5

Effective: Upon Passage (April 19, 2005)

Home and community based services. Voids rules adopted by the division of disability, aging, and rehabilitative services (DDARS) concerning home and community based services (HCBS). Requires DDARS to adopt new rules implementing: (1) the caretaker support program; and (2) standards for continuum of care providers; not later than January 1, 2006. Requires DDARS to consult with certain interested parties to ensure that the new rules: (1) protect consumers of HCBS; (2) address the specific needs of distinct populations of consumers; (3) do not create barriers to HCBS by imposing certain costs and requirements on providers; and (4) comply with the requirements of the statutes establishing long term care services and the community and home options to institutional care for the elderly and disabled (CHOICE) program. Requires DDARS to submit its written response to any comments received during the rulemaking process to the publisher of the Indiana Register for publication. Requires DDARS to report to the administrative rules oversight committee on the status of the rules not later than September 1, 2005. (The introduced version of this bill was prepared by the administrative rules oversight committee.)

House Bill 1142**Author: T. Brown****Sponsor: Kenley**

Citations Affected: IC 12-14; 12-15; 29-2

Effective: July 1, 2005

Medicaid matters and organ procurement. Requires the division of family and children to pay funeral director and cemetery expenses incurred for an individual receiving or certified to receive certain public assistance. Provides that the division has a preferred claim against a decedent's estate that has sufficient assets to pay the funeral director and cemetery expenses. Increases the amount contributed from friends, relatives, and the decedent's estate that the division may not consider in determining the amount to be paid for the funeral director or cemetery expenses. Allows the state to use federal or state Medicaid funds to pay expenses for a Medicaid recipient or applicant who has assigned a life insurance policy that meets certain requirements to the state or made the state a beneficiary of the life insurance policy. Requires the office of Medicaid policy and planning to provide certain information to individuals before the assignment of a life insurance policy. Specifies the distribution of the remainder of the insurance proceeds after the state recoups the state's Medicaid expenses for the individual. Requires a coroner to attempt to facilitate permission for transplantation of organs, tissues, and eyes. Establishes procedures that a pathologist must follow if the pathologist considers withholding organs or tissues. Requires the procurement organization to provide reimbursement for the cost of organ removal if the pathologist is required to be present to examine the decedent. Provides that a procurement organization that has an agreement to perform anatomical gift services at a hospital is considered the donee for gifts from patients who die at the hospital.

House Bill 1240 (Public Law 8-2005)**Author: Becker****Sponsors: Miller, Server**

Citations Affected: IC 12-15

Effective: July 1, 2005

Medicaid overpayments. Provides that certain Medicaid providers who have been overpaid do not owe the state interest. Allows the secretary of family and social services to reduce the amount of interest due on an overpayment in certain situations.

House Bill 1306 (Public Law 217-2005)**Author: Becker****Sponsors: Server, Simpson**

Citations Affected: IC 12-7; 12-12; 25-22.5

Effective: July 1, 2005

Various health matters. Establishes the statewide independent living council. Requires the council to assist the division of disability, aging, and rehabilitative services (division) in the preparation of a state plan to provide independent living services and promote the development of a statewide network of centers for independent living. Authorizes state grants for centers for independent living. Requires the division to review certain centers receiving federal money for compliance with federal law. Requires a physician to provide certain information to an individual

before referring the individual to a health care entity in which the physician has a financial interest. Provides certain exceptions.

House Bill 1325 (Public Law 101-2005)

Author: Becker

Sponsors: Server, Riegsecker

Citations Affected: IC 12-15; P.L. 106-2002

Effective: Upon Passage (April 26, 2005); July 1, 2005

Medicaid prescription drugs. Allows the office of Medicaid policy and planning (office) to provide a prescription drug benefit in the Medicaid risk based managed care program. Allows a managed care provider contract or provider agreement to include a prescription drug program. Prohibits requiring prior authorization for certain mental health drugs in the risk based managed care program. Establishes the mental health quality advisory committee. Allows the office to place restrictions on the certain prescription drugs under specified circumstances. Extends the prescription drug advisory committee (committee) and the members' terms to December 31, 2007. Requires the committee to make recommendations before September 1, 2005, to the secretary of the office of the secretary of family and social services (secretary) and the governor concerning redesigning the prescription drug program (program) to not conflict with the federal Medicare prescription drug benefit program. Allows the secretary to: (1) implement the committee's recommendations; (2) complete federal applications; and (3) enroll eligible individuals in the state program and the federal Medicare prescription drug benefit.

House Bill 1335 (Public Law 180-2005)

Author: Budak

Sponsor: Kruse

Citations Affected: IC 12-7; 12-20

Effective: July 1, 2005

Annual statistical report on township assistance. Requires the state board of accounts to file with the executive director of the legislative services agency, a statewide statistical report in which: (1) the state board of accounts compares and compiles information from the annual statistical reports filed by township trustees; and (2) the department of local government finance summarizes the information compiled by the state board of accounts that relates to the fixing of township budgets, levies, and rates. Requires a township trustee to provide additional information in the annual statistical report.

House Bill 1662 (Public Law 186-2005)

Author: Frizzell

Sponsors: Miller, Breaux

Citations Affected: P.L. 78-2004

Effective: Retroactive (July 1, 2003)

Medicaid health facility quality assessment. Provides that if a health facility fails to pay the quality assessment to the department of state revenue or a nursing facility fails to pay the quality assessment to the office of Medicaid policy and planning (office), the state department of health must notify the facility and revoke the facility's license. Requires a health facility to pay interest

on late payments. Requires the office to report certain information to the select joint commission on Medicaid oversight.

INSURANCE

See also:

SB 360: Morbid obesity coverage.

[Health]

SB 484: State police officer survivor health benefit.

[Public Safety]

HB 1646: Viatical settlements.

[Business and Other Associations]

HB 1736: Department of Insurance regulation of bail agents.

[Professions and Occupations]

Senate Bill 43 (Public Law 26-2005)

Authors: Gard, Breaux

Sponsor: Ripley

Citations Affected: IC 27-8; 27-13

Effective: July 1, 2005

Health care provider credentialing. Specifies a credentialing application form for use in accident and sickness insurer and health maintenance organization provider credentialing activities. Requires certain provider notifications. Exempts certain providers.

Senate Bill 75 (Public Law 60-2005)

Author: Paul

Sponsor: Ripley

Citations Affected: IC 27-1

Effective: July 1, 2005

Insurance producer licensure and continuing education. Specifies subject matter hours for title insurance producer continuing education. Exempts certain insurance producers from continuing education requirements for renewal of an insurance producer's license. Requires the commissioner of the department of insurance to establish a policy to allow a waiver of insurance producer licensure requirements for certain insurance producers on active duty.

Senate Bill 125 (Public Law 72-2005)

Author: Ford

Sponsor: Ripley

Citations Affected: IC 27-7

Effective: July 1, 2005

Commercial liability insurance. Specifies that the law requiring an insurer to make available uninsured motorist and underinsured motorist coverage does not apply to the issuance of certain

liability insurance policies. Requires the department of insurance to report certain information concerning commercial uninsured motorist and underinsured motorist coverage to the legislative council.

Senate Bill 253 (Public Law 125-2005)

Author: Ford

Sponsor: Ripley

Citations Affected: IC 27-1; 27-8; 27-13

Effective: July 1, 2005

Insurance mandate review task force and coverage documents. Adds one member and provides for per diem payment and cost reimbursement for members of the task force to review mandated benefits and mandated benefit proposals. Specifies certain requirements for the task force. Expires the task force on December 31, 2010. Provides that certain accident and sickness insurers, health maintenance organizations, and limited service health maintenance organizations: (1) may provide certain documents in electronic or paper form; (2) must provide certain information concerning obtaining evidence of coverage; and (3) must provide documents in paper form upon request.

Senate Bill 549 (Public Law 166-2005)

Authors: Broden, Long

Sponsor: Whetstone

Citations Affected: IC 22-12; 22-15

Effective: Upon Passage (May 6, 2005)

Liability insurance for amusement rides. Exempts a governmental entity that is subject to the tort claims act and files notice of self-insurance from the requirement that an amusement device operator must purchase a certain amount of liability insurance coverage. Allows a reduction of the annual aggregate liability insurance requirement for a regulated amusement device operator that operates only bull ride simulators that are multiride electric units with bull ride attachments.

Senate Bill 634 (Public Law 138-2005)

Author: Paul

Sponsor: Hoffman

Citations Affected: IC 27-4; 27-8; 34-30

Effective: July 1, 2005

Insurance product regulation compact and senior consumer recommendations. Prohibits certain recommendations to senior consumers concerning annuities and provides for enforcement. Provides for an interstate insurance product regulation compact.

House Bill 1075 (Public Law 211-2005)

Author: Torr

Sponsors: Miller, Simpson

Citations Affected: IC 27-8

Effective: July 1, 2005

Health insurance waivers. Provides that an individual policy of accident and sickness insurance and certain association and discretionary group policies of accident and sickness insurance may contain a waiver of coverage for a specified condition if certain requirements are met. Specifies that an offer of coverage under a policy that includes a waiver does not preclude eligibility for a comprehensive health insurance association policy. Requires certain reporting concerning policies issued with waivers.

House Bill 1219 (Public Law 39-2005)

Author: Koch

Sponsors: Paul, Lanane

Citations Affected: IC 27-1; 27-4

Effective: July 1, 2005

Military motor vehicle insurance rating. Prohibits an insurer from setting the premium rate for a motor vehicle insurance policy that covers a member of the armed forces at an amount higher than an amount charged for an individual who is not in the armed forces.

House Bill 1375 (Public Law 56-2005)

Author: Klinker

Sponsors: Paul, Lewis

Citations Affected: IC 27-1

Effective: July 1, 2005

Waiver of insurance producer requirements. Requires the commissioner of the department of insurance to establish a policy to allow a waiver of continuing education and license renewal requirements for certain insurance producers.

House Bill 1402 (Public Law 57-2005)

Author: Borders

Sponsor: Waterman

Citations Affected: IC 27-1

Effective: July 1, 2005

Insurance producer management courses. Specifies continuing education courses that must be approved by the commissioner of the department of insurance.

House Bill 1403 (Public Law 181-2005)

Author: Thomas

Sponsor: Paul

Citations Affected: IC 27-2; 32-37; 33-23; 34-24; 35-43

Effective: July 1, 2005

Insurance fraud. Establishes the offense of insurance fraud as a Class D felony. Makes the offense a Class C felony if: (1) a person commits a second or subsequent offense; or (2) the value of property, services, or other benefits obtained by a person as a result of the offense or the economic loss suffered by another person as a result of the offense is at least \$2,500. Establishes the offense of insurance application fraud as a Class A misdemeanor.

LABOR AND SAFETY

Senate Bill 508 (Public Law 201-2005)

Authors: Clark, Harrison

Sponsor: Torr

Citations Affected: IC 22-3

Effective: July 1, 2005

Worker's compensation. Exempts from worker's compensation and occupational disease law: (1) a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code to the extent the corporation enters into an independent contractor agreement for the performance of youth coaching services on a part-time basis; and (2) the coaches with whom the corporation enters into the agreement. Increases the worker's compensation burial expense allowance to \$7,500.

Senate Bill 612 (Public Law 98-2005)

Author: Harrison

Sponsor: Torr

Citations Affected: IC 22-4

Effective: July 1, 2005

State Unemployment Tax Avoidance (SUTA) dumping. Establishes the circumstances, as prescribed by federal law, in which a mandatory transfer or prohibited transfer of the resources and liabilities of an employer's experience account and contribution rate occurs for unemployment compensation purposes. Requires the department of workforce development (DWD) to adopt rules for the division of the experience account balance, the payroll, and chargeable benefits after the transfer for an employer that transfers a portion of a trade or business. Establishes criminal and civil penalties for the transfer or acquisition of a trade or business solely or primarily for the purpose of obtaining a lower employer contribution rate. Requires the DWD commissioner to establish procedures to identify transfers or acquisitions that are solely or primarily for the purpose of obtaining a lower employer contribution rate. Exempts owner-operators from the definition of "employment" for purposes of unemployment compensation law. Makes technical corrections.

House Bill 1580 (Public Law 43-2005)

Author: Davis

Sponsors: Ford, Dillon

Citations Affected: IC 34-11; 36-8

Effective: July 1, 2005

Employment absence for volunteer firefighters. Prohibits a private employer from disciplining an employee who is a volunteer firefighter or a member of a volunteer emergency medical services association for being late to work when the employee is responding to a fire or an emergency call. Authorizes a private employer to: (1) request proof that the employee was engaged in fire or emergency activity when absent; and (2) require the employee to notify the employer of the expected absence before the scheduled start time. Provides that an employer other than the state is not required to pay salary or wages for volunteer firefighting time away from employment, although other accrued benefit remuneration may be paid. Provides that an employer may designate an employee as an essential employee and reject the employee's notification of expected absence. Specifies that the agent of a public employer other than the state who has authorized an absence for volunteer firefighting purposes has not committed ghost employment. Makes a conforming change regarding the statute of limitations for an action brought by a volunteer firefighter against a political subdivision employer disciplined for being absent from employment while responding to an emergency.

House Bill 1594 (Public Law 44-2005)

Author: Ruppel

Sponsors: Landske, Lutz

Citations Affected: IC 22-13

Effective: Upon Passage (April 19, 2005)

Fire code standards for tents. Suspends enforcement by the fire prevention and building safety commission of, and requires the office of the state fire marshal to recommend amendments to, certain sections of the international fire code.

LOCAL GOVERNMENT

See also:

SB 67: Wireless enhanced 911.

[Public Safety]

SB 244: Design-build public works projects.

[State and Local Administration]

SB 282: Municipal riverfront development projects.

[Alcohol and Tobacco]

SB 352: Unsafe premises.

[Property]

SB 498: Ordinance violations.
[Civil Procedure]
SB 503: Release of Social Security numbers.
[State Offices and Administration]
SB 518: Local ordinances concerning forestry issues.
[Natural Resources]
HB 1335: Annual statistical report on township assistance.
[Human Services]
HB 1553: Marion County health and hospital corporation.
[Health]

Senate Bill 111 (Public Law 29-2005)

Authors: Meeks, Craycraft

Sponsor: Alderman

Citations Affected: IC 10-18

Effective: Upon Passage (April 15, 2005)

Local funding for Memorial Day celebrations. Provides that a county council may appropriate to a single veterans' organization that coordinates the Memorial Day celebration for the county an amount not to exceed the total amount that would be given to individual veterans' organizations in the county if the celebration were not coordinated by a single organization.

Senate Bill 265 (Public Law 15-2005)

Author: Jackman

Sponsor: Duncan

Citations Affected: IC 6-1.1

Effective: July 1, 2005

Appropriation of grant funds by political subdivisions. Specifies that the appropriating body of a political subdivision may appropriate any state or federal grant funds that are a reimbursement of an expenditure by the political subdivision without using additional appropriation procedures.

Senate Bill 307 (Public Law 227-2005)

Authors: M. Young, Waltz

Sponsor: Behning

Citations Affected: IC 4-4; 5-2; 5-10; 6-1.1; 8-22; 9-13; 10-14; 33-24; 35-47; 36-1; 36-2; 36-3; 36-6; 36-8

Effective: Upon Passage (May 12, 2005); July 1, 2005

Marion County local government ("Indy Works"). Provides that the general law concerning approval of budgets and tax levies of appointed boards does not apply to certain entities in Marion County that are covered by another statute. Requires the city-county council in Marion County to review the proposed operating and maintenance budgets and tax levies of the entities and to adopt final operating and maintenance budgets and tax levies for those entities. Requires the city-county council to review the proposed operating and maintenance budgets and tax levies of the health and hospital corporation only if the proposed property tax levies for the health and

hospital corporation for the ensuing calendar year is more than 5% greater than the total of all property tax levies for the health and hospital corporation for the current calendar year. Authorizes the city-county council to reduce or modify but not increase an entity's proposed operating and maintenance budget or tax levy. Prohibits the city-county council from reducing or modifying an entity's budget or tax levy in a manner that would impair the rights of bondholders. Provides that a proposed operating and maintenance budget and tax levy of a taxing unit that is located within an excluded city or town shall be submitted to the city or town fiscal body for approval. Provides that in Marion County the city controller has all the powers and duties assigned to county auditors related to the fixing and reviewing of budgets, tax rates, and tax levies. Provides that the county auditor is responsible for the issuance of warrants for payments from county and city funds. Specifies that the county auditor is responsible for: (1) accounting, payroll, accounts payable, and accounts receivable; (2) revenue and tax distributions; and (3) maintenance of property records; for all city and county departments, offices, and agencies. Provides that the county auditor retains all the powers and duties assigned to county auditors under the property tax laws, other than the powers and duties related to the fixing and reviewing of budgets, tax rates, and tax levies. Provides for the appointment of two deputy controllers by the mayor of Indianapolis. Creates the department of administration and equal opportunity in Marion County to replace the existing department of administration. Establishes the office of finance and management (the office). Specifies that the controller is the director of the office. Provides that the office is responsible for: (1) budgeting; (2) financial reporting and audits; (3) purchasing; and (4) fixed assets; for all city and county departments, offices, and agencies. Specifies that, except for the powers and duties reserved to the county auditor, the controller has the powers and duties otherwise assigned by law to county auditors. Provides that the fire department of a township in Marion County may be consolidated into the fire department of the consolidated city if the legislative body of the consolidated city adopts an ordinance and the legislative body of the township (with approval of the township trustee) adopts a resolution approving the consolidation of the fire department of the township into the fire department of the consolidated city. Provides that beginning on the effective date of the consolidation, the consolidated fire department shall provide fire protection services in a township that consolidates its fire department into the fire department of the consolidated city. Provides that the property, equipment, records, rights, and contracts of a fire department consolidated into the fire department of the consolidated city are transferred to or assumed by the consolidated city on the effective date of the consolidation. Provides, however, that real property other than fire stations are transferred only if the city-county council and the township legislative body mutually agree to the terms of the transfer. Specifies that indebtedness related to fire protection services that is incurred before the effective date of the consolidation by the consolidated city remains the debt of the consolidated city and may only be paid from property taxes levied within the fire special service district. Provides that a firefighter who was a member of the 1977 fund before the effective date of a consolidation remains a member of the 1977 fund, and that a firefighter who was a member of the 1937 fund before the effective date of a consolidation remains a member of the 1937 fund. Provides that if a consolidated fire department is established, the consolidated city, through the consolidated fire department, shall establish, operate, and maintain emergency ambulance services in the fire special service district and the townships in the county that are consolidated. Provides for the adjustment of maximum property tax levies after consolidation fire

protection services. Allows the city-county council and the governing board of the airport authority to adopt ordinances providing that the fire department of the airport authority is consolidated into the fire department of the consolidated city. Requires the mayor of Indianapolis to provide for independent evaluations and performance audits to determine the amount of any cost savings, operational efficiencies, improved service levels, and tax shifts that result from the consolidations. Allows the Marion County city-county council to adopt an ordinance to consolidate the Indianapolis police department and the Marion County sheriff's department. Provides that the consolidation takes effect on the date specified in the ordinance. Requires the ordinance to specify which law enforcement officers of the police department and which law enforcement officers of the county sheriff's department shall be law enforcement officers of the consolidated law enforcement department. Provides that a person who was an employee beneficiary of the sheriff's pension trust before the consolidation of the law enforcement departments and becomes a law enforcement officer of the consolidated law enforcement department after the consolidation remains an employee beneficiary of the sheriff's pension trust. Provides that a person who was a member of the 1953 fund or the 1977 fund before the consolidation of the law enforcement departments and becomes a law enforcement officer of the consolidated law enforcement department after the consolidation remains a member of the 1953 fund or the 1977 fund. Specifies that the ordinance must provide that the county sheriff's department shall be responsible for: (1) county jail operations and facilities; (2) emergency communications; (3) security for buildings and property owned by the city or the county; (4) service of civil process and collection of taxes under tax warrants; and (5) sex offender registration. Establishes the Marion County consolidation study commission. Requires the commission to study the consolidation of local government in Marion County, including the consolidation proposed in the "Indianapolis Works" plan. Requires the commission to issue a final report to the legislative council before December 1, 2005. Appropriates \$45,000 to the legislative council to hire consultants that are necessary to assist the commission in reviewing and verifying information and data concerning the consolidation of local government in Marion County.

Senate Bill 308 (Public Law 88-2005)

Author: M. Young

Sponsor: Hinkle

Citations Affected: IC 5-10.2; 6-1.1; 36-1; 36-2; 36-6

Effective: July 1, 2005

Local government. Changes the time when county elected officials of certain counties begin their terms of office to eliminate a year or more delay between the date of the election for the office and the date the individual takes office. Provides that an individual who has been elected to a county office at least two times but who does not serve eight full years because the individual's term of office has been cut short to make the terms of office uniform is entitled to vested status in the public employees' retirement fund and maintains other benefits to which the individual would otherwise be entitled only if the individual were serving eight years in office. Allows the county fiscal body to reduce the compensation of a county assessor, an elected township assessor, or a trustee assessor who does not obtain a required assessor-appraiser certification, in an amount proportional to the assessor's real property assessment duties. Provides

that a trustee assessor who does not comply with the assessor-appraiser certification requirements relinquishes all duties relating to real property assessment to the county assessor until the trustee assessor complies with the certification requirements.

Senate Bill 322 (Public Law 128-2005)

Author: Bray

Sponsor: Foley

Citations Affected: IC 36-1

Effective: Upon Passage (May 4, 2005)

Local spending on criminal defense. Provides that a county, municipality, township, or municipal corporation may not pay the legal expenses of an employee or officer to defend against a criminal action, certain civil actions, or a proceeding in which the employee or officer is charged with an infraction. Requires reimbursement of the reasonable expenses of the employee or officer (as determined by the local unit) if the employee or officer is found to have no criminal or civil liability.

Senate Bill 446 (Public Law 131-2005)

Authors: Gard, Lanane

Sponsor: Wolkins

Citations Affected: IC 8-1.5; 13-26; 36-1; 36-3; 36-9; 36-11

Effective: July 1, 2005

Local government liens. Provides that storm water management district fees constitute liens. Sets forth the procedures by which: (1) a lien attaches and is enforced; and (2) payment of fees is enforced. Conforms the lien procedure for regional water, sewage, and solid waste districts and county onsite waste management districts with the lien procedure for municipal sewers. In the lien procedure for municipal sewers, adjusts the timing of billing fees to a seller of property for which a lien is not filed before conveyance. With respect to cleanup by a local unit of government of a condition that exists on real property and that violates a local ordinance: (1) provides that a lien attaches to the property for the cost of the cleanup when the lien is recorded; (2) establishes when a bill for the cleanup becomes delinquent; and (3) establishes procedures for collection of fees and penalties and recording and release of liens. Provides that liens for taxes levied by a consolidated city are perfected when evidenced on the tax duplicate.

Senate Bill 512 (Public Law 111-2005)

Local Government

Authors: Drozda, Long

Sponsor: Whetstone

Citations Affected: IC 36-4

Effective: Retroactive (January 1, 2004); Upon Passage (April 27, 2005); July 1, 2005

Town government and annexation. [Note: Became law without Governor's signature] Provides a procedure for changing a town into a city. Provides that a town may be changed into a city if

the voters of the town approve a public question on changing the town into a city. Authorizes the town legislative body to provide by ordinance for the details of the conversion of the town into a city. Authorizes a town that began conversion into a city under existing law to complete conversion under the new statute. Permits a town that has begun its conversion into a city to complete the conversion by January 1, 2006, by holding a special election for city officers in 2005. Provides that a town does not have to obtain the consent of a city before annexing territory within three miles of the city if the town annexes territory located in a different county than a city or the annexation is a voluntary annexation or an annexation initiated by a municipality and consented to by at least 51% of the landowners of the annexed territory. Provides that if territory to be annexed consists of not more than 100 parcels, and 80% of the boundary of the annexed territory is contiguous to the municipality, a remonstrance requires the signatures of at least 75% of the landowners in the annexed territory. Allows a municipality in Elkhart County to annex territory that: (1) is not contiguous to the municipality; (2) has its entire area not more than two miles from the municipality's boundary; (3) is to be used for an industrial park containing one or more businesses; and (4) is either owned by the municipality or by a property owner who consents to the annexation. Allows the following to exempt annexed agricultural land from property tax liability until the land is rezoned under a different classification: (1) A town located in a county that contains a racetrack sanctioned by a nationally chartered and recognized auto racing organization. (2) The town of Pendleton. (3) The town of Lapel. (4) A town located in a township that borders the Muscatatuck River and has a canning factory. Repeals current statutes governing conversion of a town into a city.

House Bill 1365 (Public Law 240-2005)

Author: Hoffman

Sponsors: Lewis, Weatherwax

Citations Affected: IC 32-29; 36-2; 36-6

Effective: Retroactive (January 1, 2005); July 1, 2005

Local government matters. Provides that in the year in which a newly elected county officer takes office, the county fiscal body may change the compensation for holding the county office if: (1) the county officer requests the compensation change or, in the case of the county executive body, a majority of the county executive body requests the change; and (2) the county fiscal body approves the change. Allows township governments to merge upon the adoption of identical resolutions by the township boards (presented to the township boards by the township trustees) and an ordinance by the county legislative body. Allows merged township governments to dissolve the merged government and be reestablished as separate governments upon adoption of an ordinance by the county legislative body. Allows a sheriff to charge a person enforcing a mortgage foreclosure judgment a fee of not more than \$200 for sheriff's sale costs.

MILITARY

See also:

SB 419: Military and overseas voters.

[Elections]

HB 1059: Chemical munitions disposal and transport.

[Environment]

HB 1219: Military motor vehicle insurance rating.

[Insurance]

HB 1250: Credits for certain military bases.

[Economic Development]

Senate Bill 193 (Public Law 17-2005)

Author: Paul

Sponsor: Alderman

Citations Affected: IC 10-18

Effective: Upon Passage (April 13, 2005)

War Memorials Foundation. Authorizes the war memorials commission to establish a nonprofit corporation to promote public support for war memorials, to preserve and promote the historical and educational activities of the commission, and to operate for the benefit of the purposes of the commission. Authorizes the commission to transfer money and certain historical personal property to the corporation. Legalizes establishment of Indiana War Memorials Foundation, Inc., as the corporation the commission is authorized to establish. Legalizes any transfer of money and personal property from the commission to the foundation before April 30, 2005. Authorizes the commission to transfer the operation of the Indiana War Memorial gift shop and all property associated with the gift shop to the foundation.

Senate Bill 304 (Public Law 157-2005)

Authors: Wyss, Craycraft

Sponsor: Alderman

Citations Affected: IC 20-12

Effective: Upon Passage (May 6, 2005); July 1, 2005

National Guard active duty benefits. Exempts spouses and children of National Guard members who are killed on state active duty from payment of tuition and mandatory fees at a state educational institution. Provides that a determination of an individual's eligibility for the tuition exemption is vested exclusively with the Indiana military department. Makes the knowing or intentional submission of a false or misleading application or statement to obtain the tuition exemption a Class A misdemeanor. Provides that the state student assistance commission may exempt income earned by a member of the National Guard or any reserve component of the National Guard or armed forces while deployed overseas from consideration as income in determining eligibility for the Frank O'Bannon grant program.

House Bill 1022 (Public Law 5-2005)

Author: Koch

Sponsors: Steele, Hume

Citations Affected: IC 5-22; 13-11; 13-15; 34-6; 34-30; 36-7

Effective: Upon Passage (February 17, 2005)

Military base protection act. Establishes the military base planning council. Requires the council to study and report on issues related to military bases. Requires the department of environmental management to give priority to permit applications concerning operations that involve ordnance and other explosive materials at military bases. Provides immunity from civil liability for military bases for damages relating to: (1) noise that results from the operation of the military base that may be heard within two miles of the military base; and (2) interference with telecommunications that results from the operation of the military base and occurs within five miles of the military base. Requires a unit of local government to notify the commander of a military base located in the unit before the unit takes action concerning planning or zoning within three miles of the perimeter of the military base. Requires the commander to respond within 15 days of receiving notice. Prohibits a unit from taking action that: (1) concerns planning or zoning; and (2) is adverse to a military base; within three miles of the perimeter of the military base.

MOTOR VEHICLES

See also:

SB 89: Lighting and marking of agricultural equipment.

[Agriculture]

SB 125: Commercial uninsured motorist insurance.

[Insurance]

SB 218: Evidence of failure to use safety belts.

[Civil Procedure]

SB 397: Submission of information to BMV concerning ineligibility for driver's licenses.

[Education]

HB 1057: Open alcoholic beverage containers.

[Alcohol and Tobacco]

HB 1495: Lights on vehicle used to transport railroad crew members.

[Utilities and Transportation]

Senate Bill 77 (Public Law 104-2005)

Author: M. Young

Sponsor: Hinkle

Citations Affected: IC 9-13; 9-22; 32-33

Effective: Upon Passage (April 27, 2005); July 1, 2005

Mechanic's liens on towed vehicles and disposal of abandoned vehicles. Allows an unpaid provider of towing services to obtain a mechanic's lien on a towed vehicle and sell the vehicle.

Limits fees for storing abandoned vehicles. Provides that if an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, the person who previously owned the vehicle is not responsible for storage fees. Raises the market value limit below which a public officer is authorized to dispose of an abandoned vehicle or parts. Requires a towing service to wait 30 days before disposing of an abandoned vehicle located on its premises, and specifies a procedure for notice to the registered owner of the abandoned vehicle. Provides that a storage yard is not liable for loss or damage to a vehicle or part occurring during the removal, storage, or disposition of a vehicle. Makes conforming amendments.

Senate Bill 79 (Public Law 147-2005)

Authors: Wyss, Simpson

Sponsor: Duncan

Citations Affected: IC 9-18

Effective: July 1, 2005

Intrastate commercial vehicle registration. Provides that the bureau of motor vehicles may adopt rules to issue staggered registration to certain intrastate commercial vehicles.

Senate Bill 217 (Public Law 151-2005)

Author: Server

Sponsor: Wolkins

Citations Affected: IC 8-15; 9-21; 9-26

Effective: July 1, 2005

Speed limits. Establishes a maximum speed limit on the Indiana toll road of 70 mph or 65 mph for certain vehicles. Increases the speed limit on a section of U.S. 20 located in Elkhart and St. Joseph counties, a section of U.S. 31 in St. Joseph County, and a highway classified by the Indiana department of transportation as an INDOT Freeway. Establishes a maximum speed limit of 60 mph on certain highways located outside an urbanized area. Increases the speed limit from 65 miles per hour to 70 miles per hour and from 60 miles per hour to 65 miles per hour for certain vehicles on interstate highways outside urbanized areas with a population of at least 50,000. Requires the state police department to report the number of fatalities from traffic accidents to the legislative council and the chairpersons of the committees dealing with transportation issues in the house of representatives and the senate: (1) annually, for traffic accidents involving persons less than 19 years of age; and (2) in any year in which the number of fatalities increases by seven percent over the average number of accidents from the previous five years. Makes conforming amendments.

Senate Bill 223 (Public Law 86-2005)

Author: Miller

Sponsor: Duncan

Citations Affected: IC 9-24

Effective: July 1, 2005

Designation of blood type on license, permit, or identification card. Allows a person's documented blood type information to be on the person's driver's license, driver's permit, or identification card at the request of the person. Provides that this information may be placed only

on licenses, permits, and identification cards issued after June 30, 2006 and before July 1, 2011. Provides that the person to whom the license, permit, or card is issued is responsible for the accuracy of the blood type information.

Senate Bill 227 (Public Law 123-2005)

Author: Miller

Sponsor: Buell

Citations Affected: IC 9-24

Effective: July 1, 2005

Identifying numbers for bureau of motor vehicles. Prohibits the bureau of motor vehicles (bureau) from placing a Social Security number on certain identifying documents without authorization from the holder of the identifying documents. Requires the bureau to adopt rules that do not require the Social Security number of the holder of a commercial driver's license to be contained on the license.

Senate Bill 242 (Public Law 153-2005)

Authors: Long, Howard

Sponsor: Messer

Citations Affected: IC 9-29; 9-30

Effective: July 1, 2005

Driver's license reinstatement fees. Permits a court to waive a driver's license reinstatement fee if: (1) the person who owes the fee is indigent; (2) the person who owes the fee has proof of future financial responsibility; and (3) waiver of the fee is appropriate in light of the person's character and the nature and circumstances surrounding the suspension of the person's license.

Senate Bill 467 (Public Law 233-2005)

Authors: Miller, Dillon

Sponsor: Buell

Citations Affected: IC 9-18; 9-29

Effective: July 1, 2005

Personalized license plates. Specifies certain procedures concerning the issuance of a personalized license plate. Requires the bureau of motor vehicles to issue personalized license plates for 2006 and 2007 in certain circumstances. Repeals the political contribution paid at the time of an application or renewal for a personalized license plate, provides for a state fee and service charge to be paid at the time of application or renewal of a personalized license plate, and repeals the related fee schedule for distribution of the political contribution.

House Bill 1073 (Public Law 210-2005)

Author: Lehe

Sponsor: Riegsecker

Citations Affected: IC 5-14; 6-6; 8-2; 8-2.1; 9-13; 9-14; 9-16; 9-18; 9-19; 9-20; 9-21; 9-23; 9-24; 9-25; 9-26; 9-27; 9-29; 10-11; 13-11; 26-1; 34-30

Effective: Upon Passage (May 11, 2005); July 1, 2005

Motor vehicle matters. Specifies that: (1) the bureau of motor vehicles (bureau) has discretion to withhold certain medical records and evaluations regarding the ability of a driver to operate a motor vehicle safely; and (2) a law enforcement agency has discretion to withhold certain items of personal information contained in the files of the law enforcement agency. Exempts a social security number contained in the records of a public agency from disclosure. Authorizes the bureau to conduct a reasonable investigation of a driver's continued fitness to operate a motor vehicle when the bureau has reason to believe that a licensed driver may not be able to operate a motor vehicle safely. Specifies that the bureau may not suspend or revoke the license of a licensed driver whose fitness to drive safely is questioned until a reasonable investigation of the driver's continued fitness has been made by the bureau. Revises language concerning public records confidentiality. Requires: (1) the driver licensing medical advisory board to assist the office of traffic safety; and (2) the office of traffic safety to develop programs and materials concerning senior citizens' driving ability. Provides that certain driver's licenses issued to individuals at least 85 years of age expire two years after issuance. Grants immunity from civil or criminal liability to a licensed physician, optometrist, or advanced practice nurse who makes a good faith report to the bureau concerning a patient's fitness to operate a motor vehicle not more than 30 days after having examined the patient. Revises fees for copies of certain bureau records. Revises educational and age requirements for a commercial driver training instructor's license. Requires the commissioner (commissioner) of the bureau to administer the policies and procedures of the bureau and to submit budget proposals for the bureau to the budget director. Requires a person operating a license branch to collect service charges and deposit them in the license branch fund. Provides that certain driver's licenses under certain circumstances and state identification cards expire six years after issuance. (Current law provides that certain driver's licenses under certain circumstances and state identification cards expire four years after issuance.) Provides that fees and service charges for driver's licenses that expire six years after issuance and state identification cards be increased by 50%. Requires the bureau to adopt rules for a 50% increase in certain charges related to driver's licenses and state identification cards that expire six years after issuance. Requires the operator of a vehicle involved in an accident to report the accident to the bureau within ten days of the accident under certain circumstances. (Current law requires the report to be made to the state police.) Authorizes the bureau to determine a schedule for yearly registration of certain vehicles. Changes the regulation of licensing of vehicle merchandising. Revises the replacement cycle for certain license plates from one year to two years. Changes the defined term "implement of husbandry" to "implement of agriculture" for purposes of the motor vehicle code, and requires the bureau to determine categories of implements of agriculture by rule. Redefines the terms "farm tractor" and "tractor" for purposes of the motor vehicle code. Defines "special machinery" and sets a fee for registration. Provides that certain motor vehicles may be operated and registered as farm trucks, farm trailers, or farm semitrailers and tractors if not used for certain commercial enterprises.

Provides for a 30 day registration for farm trucks, farm trailers, or farm semitrailers and tractors operated intrastate to transport farm products after the commodities have entered the channels of commerce. Makes it a Class C infraction (and a Class B infraction for a second offense within three years) to operate or own a farm truck, farm trailer, or farm semitrailer and tractor if the vehicle is used for certain commercial enterprises. Revises the definitions of "law enforcement officer" and "police officer" for purposes of the motor vehicle code to include a motor carrier inspector (inspector), and gives an inspector authority over violations of certain offenses involving a farm truck, farm trailer, or farm semitrailer. Requires the bureau to adopt rules: (1) to identify and define "farm truck", "farm trailer", and "farm semitrailer and tractor"; and (2) related to the operation of farm vehicles. Prohibits a police officer from impounding certain farm products when a vehicle is discovered in violation of certain registration requirements, and removes the penalty against an officer for a reckless impoundment related to other registration requirements. Revises the exclusion of certain garden tractors from the application of the waste tire management fund fee. Repeals the definitions of "farm machinery", "farm tractor used in transportation", and "special farm machinery", and repeals references to those terms within the motor vehicle code. Deletes an obsolete reference to a financing statement for a farm tractor. Repeals the license fee for certain vehicles used in farming operations. Repeals a fee for certain reinstatement privileges from the bureau. Authorizes the bureau to conduct driver examinations in a county where a license branch is located. Removes authority for the bureau to issue a renewal license or identification card by mail or by electronic service. Provides that a certain federal requirement concerning diabetic drivers who operate motor vehicles for private carriers of property does not apply when the carrier vehicle is operated intrastate under specific circumstances. Makes technical corrections and conforming changes.

House Bill 1270 (Public Law 143-2005)

Author: Pond

Sponsors: Wyss, Long

Citations Affected: IC 35-43

Effective: July 1, 2005

Motor vehicle offenses. Creates criminal offenses for the unlawful: (1) entry into; or (2) possession, operation, or disposition of; a motor vehicle. Provides: (1) enhanced penalties; and (2) a defense; in certain circumstances.

House Bill 1315 (Public Law 219-2005)

Author: Goodin

Sponsors: Lewis, Weatherwax

Citations Affected: IC 9-13; 9-17; 9-18; 9-22; 9-23; 9-29; 14-8; 14-16

Effective: July 1, 2005; January 1, 2006

Certificates of title for off-road vehicles. Requires a person to obtain a certificate of title from the bureau of motor vehicles for certain off-road vehicles that the person purchases after December 31, 2005. Requires a person who becomes an Indiana resident after December 31, 2005, to obtain a certificate of title from the bureau for an off-road vehicle that is less than five model years old. Sets certain requirements for dealers of off-road vehicles and makes violations of the requirements a Class A infraction. Makes it a Class B misdemeanor for an individual to operate an off-road vehicle or snowmobile while under the influence of an alcoholic beverage.

NATURAL RESOURCES

See also:

HB 1431: Clean water funding, agriculture and wetlands.
[Environment]

Senate Bill 60 (Public Law 27-2005)

Author: Weatherwax

Sponsor: T. Brown

Citations Affected: IC 14-13

Effective: July 1, 2005

Natural resource matters. Changes the procedures for the Wabash River heritage commission to pay claims.

Senate Bill 266 (Public Law 75-2005)

Author: Jackman

Sponsor: Hoffman

Citations Affected: IC 14-22

Effective: July 1, 2005

Processed deer meat. Allows a meat processing facility to give away a processed deer to another person at the cost of the processing fee if the owner of the deer fails to pick up the processed deer or notifies the facility that the owner does not want the processed deer. Allows farm raised deer meat that meets certain requirements to be sold to the public.

Senate Bill 315 (Public Law 34-2005)

Authors: R. Young, Lewis

Sponsor: Stilwell

Citations Affected: IC 4-13.6

Effective: July 1, 2005

In-house construction. Increases from \$50,000 to \$75,000 the cost of projects that the department of natural resources may perform without awarding a public works contract. (The introduced version of this bill was prepared by the natural resources study committee.)

Senate Bill 442 (Public Law 80-2005)

Author: Server

Sponsor: Hoffman

Citations Affected: IC 14-8; 14-37; 35-47.5

Effective: Upon Passage (April 25, 2005); July 1, 2005

Geophysical surveying and regulated explosives. Removes geophysical surveying from regulation by the natural resources commission and the department of natural resources.

Specifies that the law defining the crime of recklessly violating a rule regarding the use of a regulated explosive does not apply to certain activities connected to near surface or subsurface use of regulated explosives associated with oil and natural gas. Allows the director of the department of natural resources to grant variances from certain oil and gas well drilling requirements. Makes conforming amendments.

Senate Bill 518 (Public Law 82-2005)

Authors: Weatherwax, R. Young

Sponsor: Friend

Citations Affected: IC 14-8; 14-12; 32-30; 36-7

Effective: July 1, 2005

Forestry issues. Specifies that certain activities of a forestry operation are not a public or private nuisance. Entitles a forestry operation that successfully defends a nuisance action to reasonable costs and attorney's fees incurred to defend the action. Provides that local ordinances adopted after March 31, 2005, making forestry operations a nuisance are void. Exempts from ordinances restricting forestry operations certain operations that comply with best management practices and have been in continuous operation. Encourages units to recognize the needs of forestry in future growth. Repeals and relocates the definition of "unit of local government".

Senate Bill 527 (Public Law 93-2005)

Author: Jackman

Sponsor: Lehe

Citations Affected: IC 14-8; 14-22; 15-2.1

Effective: July 1, 2005

Board of animal health and cervidae issues. Provides that cervidae and cervidae products legally produced, purchased, possessed, or acquired within Indiana are the exclusive property of the owner and that meat and products from privately owned cervidae may be sold to the general public. Provides the board of animal health (board) with authority over pests of animals and objects that could harbor a pest or disease. Allows the board to pay certain indemnity costs related to condemned animals and objects, including disposal and disinfection costs. Prohibits indemnity in certain circumstances. Removes the limit on the amount payable for cattle because of tuberculosis. Amends definitions of "dairy farm" and "milk plant". Allows the board to suspend various milk permits. Changes the expiration date of various milk permits. Repeals certain definitions. Makes technical amendments.

House Bill 1078 (Public Law 174-2005)

Author: Hoffman

Sponsor: Weatherwax

Citations Affected: IC 4-4; 8-1; 14-34

Effective: July 1, 2005

Coal issues. Revises the reclamation fees per ton of coal produced for surface and underground coal mining operations. Directs the center for coal technology research to investigate matters concerning coal bed methane. Provides that clean coal and energy projects include projects that use coal bed methane.

House Bill 1183 (Public Law 21-2005)

Author: Leonard

Sponsor: Dillon

Citations Affected: IC 14-15

Effective: Upon Passage (April 13, 2005)

Operation of watercraft. Provides that no speed limit applies to a boat in a boat race, a water ski event, or another organized boating activity over a fixed and marked course for which the department of natural resources has issued a permit.

House Bill 1765 (Public Law 225-2005)

Author: Hoffman

Sponsors: Weatherwax, Waterman

Citations Affected: IC 14-8; 14-16; 14-19; 14-22; 14-24

Effective: Upon Passage (May 11, 2005); July 1, 2005

Natural resources matters. Requires the department of natural resources to adopt rules to allow the use of certain motorized carts during daylight hours by an individual who is: (1) the holder of a driver's license; and (2) at least 65 years of age or disabled. Specifies that for purposes of the law regulating off-road vehicles and snowmobiles, the definition of "operate" applies to both types of vehicles. Specifies that snowmobiles must be registered under the off-road vehicle and snowmobile law. Makes possessing an off-road vehicle or a snowmobile with an altered or defaced vehicle number a Class B misdemeanor. Makes failure of a dealer to maintain rented vehicles in a safe operating condition or to maintain liability insurance a Class C infraction (instead of a Class B misdemeanor). Allows bird hunting stamps in an electronically generated form. Allows commemorative bird hunting stamps to be sold. Provides that hunting and fishing licenses and stamps expire on March 31. Requires electronically obtained licenses to be signed to be valid. Amends procedures to obtain a duplicate license. Discontinues issuance of lifetime hunting, fishing, and trapping licenses, but retains the validity of lifetime licenses already issued. Establishes procedures to obtain funds from the pest control insurance fund. Makes technical corrections. Repeals and relocates the definition of "off-road vehicle". Repeals a provision exempting groundhogs from application of state fish and wildlife laws. Makes conforming amendments. (The introduced version of this bill was prepared by the natural resources study committee.)

PENSIONS

See also:

SB 307: Marion County police and firefighters' pensions.

[Local Government]

HB 1001: TRF unfunded liability; PERF and TRF COLA's.

[Budget]

HB 1120: School pension bonds.

[Economic Development]

Senate Bill 149 (Public Law 62-2005)

Author: Lubbers

Sponsor: Torr

Citations Affected: IC 5-10.2; 5-10.3; 21-6.1

Effective: July 1, 2005

Trustees of pension funds. Adds the director of the budget agency or the director's designee to the boards of trustees of the public employees' retirement fund (PERF) and the teachers' retirement fund (TRF). Sets limits of compensation for members of each board. Adds language concerning the qualifications for individuals appointed to the PERF board. Provides that four trustees of the PERF board constitute a quorum. Authorizes the boards of TRF and PERF to establish by rule: (1) how administrative costs of alternative investment programs may be paid; (2) certain valuation dates; (3) investment allocation increments; (4) the contribution allocations date; and (5) the annuity savings account distribution date during a month. Increases from \$25,000 to \$35,000 the annual amount a retired member of PERF or TRF who has not attained the Social Security normal retirement age may earn in a covered position before the member's retirement benefit stops and the member must again make contributions to the member's retirement fund. Provides that interest credited prior to July 1, 2005, in the PERF annuity savings account to suspended members participating in its guaranteed fund shall be treated as properly credited.

Senate Bill 611 (Public Law 97-2005)

Author: Harrison

Sponsor: Buell

Citations Affected: IC 36-8

Effective: July 1, 2005

Sheriff deferred retirement option plan. Establishes certain requirements for a deferred retirement option plan adopted as part of a sheriff's department's retirement plan (plan). Removes language that terminates the monthly pension for a plan participant's surviving spouse who remarries.

House Bill 1394 (Public Law 220-2005)

Author: Stutzman

Sponsors: M. Young, Riegsecker

Citations Affected: IC 5-10; 5-10.3; P.L. 126-2003

Effective: Upon Passage (May 11, 2005); July 1, 2005

Public pensions; deferred compensation plans. Allows a political subdivision to offer to its employees both the state employees' deferred compensation plan (state plan) and a deferred compensation plan that is adopted by the political subdivision and uses one or more private vendors. Requires the board of trustees of the public employees' retirement fund (PERF) to establish a retirement medical benefits account (account) within the PERF under Section 401(h) or as a separate fund under another applicable section of the Internal Revenue Code, for the purpose of converting unused excess accrued leave to a monetary contribution for state employees to fund on a pretax basis benefits for post-retirement sickness, accident, hospitalization, and medical expenses of the state employees, their spouses, and their dependents. Requires that state employees be able to convert unused accrued excess leave to either the state

plan or the account. Requires that the deferred compensation committee adopt, and the state auditor administer, a pilot program that allows the employees of at least one branch of state government to convert unused accrued excess leave to a monetary contribution to the state plan not later than December 31, 2005. Allows a member of the teachers' retirement fund who is receiving a retirement benefit and is a party in an action for dissolution of marriage to elect, before January 1, 2006, in certain circumstances to change the member's designated beneficiary or form of benefit. Extends the pilot program for the defined contribution plan of the legislators' retirement system until July 1, 2006. Provides that a monthly pension paid after the date of remarriage and before July 1, 2005, to a surviving spouse of an employee beneficiary who was a member of a sheriff's retirement plan (surviving spouse) shall be treated as properly paid. For a surviving spouse whose monthly pension ceased on the date of remarriage, reinstates on July 1, 2005, the surviving spouse's monthly pension.

PROBATE AND TRUSTS

House Bill 1153 (Public Law 238-2005)

Author: Foley

Sponsors: Zakas, Antich-Carr

Citations Affected: IC 6-4.1; 29-1; 29-3; 30-1; 30-2; 30-3; 30-4; 30-5; 32-17.5; 32-29; 33-37; 34-30; 34-54

Effective: Retroactive (July 1, 2004); July 1, 2005; January 1, 2006

Real property. Provides that a subsequent childless spouse's share of a deceased individual's real property is calculated less liens and encumbrances. Allows custodial property to be transferred under the Uniform Transfers to Minors Act to a trust if the minor is the sole beneficiary and the trust terms meet Internal Revenue Code requirements for not treating the transfer as a gift of a future interest. Changes the annual maximum value of gifts that an attorney in fact or a person the attorney in fact is legally obligated to support may receive under the attorney in fact's gift-making powers from \$10,000 to the amount allowed as an exclusion from gifts under the Internal Revenue Code. Allows an attorney in fact to exercise powers regarding retirement plans. Extends a power of attorney after the death of the principal as to the authority to donate organs, request an autopsy, and plan for the disposition of the principal's body. Prohibits a will from admission for probate unless the will is presented for probate within three years after the testator dies. Allows a will or revocable trust to incorporate by reference a list of items for disposition that may be amended after incorporation. Removes limitations on naming an attorney in fact as a beneficiary of an insurance contract. Validates, with court approval, a transaction that affects a protected person's property and the guardian's interest. Provides that a disclaimed interest that arose under the law of intestate succession passes as if the disclaimant had died immediately before the intestate's death. Prohibits an abandoning or adulterous spouse from acquiring property from the deceased spouse's trust. Imposes a constructive trust to prevent a person convicted of an individual's death from acquiring trust property because of the individual's death. Voids a transaction in which a personal representative acquires an interest in an estate's

real property, unless authorized by a will, a trust, the consent of all heirs, legatees, or beneficiaries, or an adjudicated compromise agreement. Repeals a statute that requires a personal representative to file a report of sale. Allows a person who receives only a specific bequest to receive an estate inventory limited to the bequest. Requires a petition for probate of a will or for the appointment of an administrator to state whether the decedent, heirs, legatees, and devisees are adults or minors. Requires, absent litigation, a spouse to elect against a will within three months after the will is admitted to probate. Provides that a trust is presumed to be revocable. Allows an agent or attorney in fact to amend a trust if authorized in a power of attorney. Authorizes the creation of a pet trust and a noncharitable trust with the beneficiary determined by the trustee. Gives a trustee additional powers. Makes an exception to the cy pres doctrine. Requires a settlor of a trust to have the same capacity for making a will. Allows an uneconomic trust to be modified or terminated. Limits actions to contest a revocable trust. Adds provisions concerning filling a trustee vacancy. Repeals and adds provisions about modifying and terminating trust terms. Provides that a transaction benefitting an attorney in fact is not presumptively valid or invalid if made by the principal and not by the attorney in fact acting for the principal. Allows a trustee or an interested person to petition the court to determine a trust's heirs and the heirs' interests. Allows a court to determine the heirs and heirs' interests by evidence or by affidavit after a hearing. Provides that a trustee's good faith acts are valid if the trustee acts in accordance with the facts as determined by the court and the law. Adds the trustee's duty to determine the trust beneficiaries. Makes a technical amendment. Provides immunity to a person who relies on a power of attorney or an affidavit concerning a power of attorney. Automatically extends the due date for the Indiana inheritance tax return if the Internal Revenue Service allows an extension for a federal estate tax return. Makes other changes to the trust law. Allows a person to deposit a will with the circuit court clerk of the county in which the testator resided when the will was executed. Requires the circuit court clerk to collect a \$25 fee for depositing the will, unless the circuit court waives the fee. Makes a fee waiver mandatory if the depositor is participating in a supreme court program, and permits a fee waiver if the depositor is an attorney who will no longer practice law. Provides that an individual adopted as an adult is to be treated as the natural child of the adopting parent for purposes of the inheritance tax if the adoption was finalized before July 1, 2004. (Current law requires an individual to be adopted before being emancipated in order to be treated as the natural child of the adopting parent.) Specifies that a stepchild of the transferor is a Class A beneficiary for purposes of the inheritance tax, whether or not the stepchild is adopted by the transferor. Provides that a lineal descendant of a stepchild of a transferor, whether or not the stepchild is adopted by the transferor, is a Class A transferee for purposes of the inheritance tax. Provides that defenses raised by a foreign judgment debtor must be ruled upon before the foreign judgment: (1) may be enforced by execution; or (2) constitutes a lien. Provides that a foreign judgment creditor is entitled to the same prejudgment remedies as an Indiana judgment creditor. Authorizes an Indiana court in which a foreign judgment is filed to preliminarily litigate certain postjudgment motions. Allows a sheriff to charge a person enforcing a mortgage foreclosure judgment a fee of not more than \$200 for sheriff's sale costs.

PROFESSIONS AND OCCUPATIONS

See also:

SB 75: Insurance producer licensure and continuing education.

[Insurance]

SB 268: Revocation of physician and hospital licenses for allowing cloning activities.

[Health]

SB 306: Licensed mobile home installers required.

[Property]

Senate Bill 139 (Public Law 194-2005)

Author: Meeks

Sponsor: Alderman

Citations Affected: IC 25-1; 25-4; 25-6.1; 25-7; 25-8; 25-9; 25-15; 25-20.2; 25-21.5; 25-23.7; 25-28.5; 25-30; 25-31; 25-34.1

Effective: July 1, 2005

Professional licensing. Establishes a process for renewing a license or certificate. Provides that a board may request the attorney general's office to investigate a prohibited act committed by an applicant. Provides that the professional licensing agency may stagger license or certificate renewal cycles. Provides that certain boards and commissions must establish licensing, renewal, examination, application, reinstatement, and restoration fees for licenses and certificates. Allows an applicant for registration as a professional engineer who has failed three or more exams to obtain approval from the board to take subsequent exams. Allows the board to issue a registration as a professional engineer to a person who: (1) completes an engineering curriculum and at least three years of work experience; and (2) has been registered or licensed as a professional engineer in another state for at least ten years. Establishes funds to assist in investigating registered: (1) architects and landscape architects; (2) land surveyors and land surveyors in training; and (3) professional engineers and engineering interns. Allows an applicant for the journeyman plumber examination to present proof of four years of certain types of plumbing trade experience. Repeals corresponding provisions concerning appeals of denials of license renewals, investigation of certain complaints, and renewal fees for land surveyors.

Senate Bill 196 (Public Law 120-2005)

Authors: Wyss, Rogers

Sponsor: Alderman

Citations Affected: IC 10-13; 25-9

Effective: July 1, 2005

Licensing and permits for boxing. Defines matchmaker and promoter. Requires the state boxing commission to obtain information, including fingerprints, necessary to facilitate access to the criminal history information of an applicant for a promoter's license or permit. Requires the state police department to: (1) provide assistance in obtaining an applicant's criminal history information; and (2) forward fingerprints submitted by an applicant to the Federal Bureau of Investigation for the release of the applicant's criminal history information. Repeals the prohibition against issuing an annual boxing promoter's license or permit to nonresidents.

Senate Bill 197 (Public Law 46-2005)

Authors: Wyss, Simpson

Sponsor: Becker

Citations Affected: IC 25-14

Effective: July 1, 2005

Reciprocity for dentists. Decreases the period of out-of-state practice required of a dentist applying for a license by reciprocity from five of the preceding nine years to two of the preceding three years.

Senate Bill 206 (Public Law 122-2005)

Author: Dillon

Sponsor: Lehe

Citations Affected: IC 25-26

Effective: July 1, 2005

Home medical equipment services providers. Requires a home medical equipment services provider to be licensed by the board of pharmacy. Authorizes the board to conduct inspections, issue licenses, discipline providers for violations, and adopt rules to: (1) specify the equipment to be regulated; (2) set standards for the licensure of services providers; (3) govern the safety and quality of services that are provided; and (4) set reasonable fees for the application, issuance, and renewal of a license. Makes conforming changes.

Senate Bill 225 (Public Law 18-2005)

Author: Miller

Sponsor: Becker

Citations Affected: IC 25-22.5

Effective: July 1, 2005

Office based sedation standards. Requires the medical licensing board to adopt rules concerning office based procedures that require certain levels of sedation. Makes a technical correction. (The introduced version of this bill was prepared by the commission on excellence in health care.)

Senate Bill 591 (Public Law 205-2005)

Authors: Miller, Sipes

Sponsor: T. Brown

Citations Affected: Noncode

Effective: Upon Passage (May 11, 2005)

Professions and occupations. Requires members of the state psychology board and the social worker, marriage and family therapist, and mental health counselor board to meet before July 1, 2005, to establish, for recommendation to the legislative council: (1) definitions of assessment, diagnosis, psychological testing, and appraisal instrument; and (2) criteria individuals should be required to meet to be authorized to perform or use assessment, diagnosis, psychological testing, and appraisal instruments. Requires the board members to submit a report to the legislative council not later than October 1, 2005. Provides that the state psychology board may not adopt new rules to establish, maintain, and update a list of restricted psychology tests and instruments until after December 31, 2005.

Senate Bill 607 (Public Law 206-2005)

Author: Meeks

Sponsor: Alderman

Citations Affected: IC 25-1

Effective: July 1, 2005

Professional licensing. Combines the health professions bureau into the professional licensing agency. Repeals a provision concerning the health professions bureau that is similar to a provision concerning the professional licensing agency.

House Bill 1098 (Public Law 212-2005)

Author: Messer

Sponsors: Dillon, Simpson

Citations Affected: IC 10-13; 12-9; 16-18; 16-27; 22-1; 25-23; 25-22.5; 25-26; 25-33; 25-35.6; 34-24; 35-43

Effective: July 1, 2005; January 1, 2006

Prescription drugs and health professions. Establishes a program for the licensing and regulation of personal services agencies. Provides that home health agencies and personal services agencies are approved to provide home health or personal services under certain federal waivers. Provides that home health services include services that are required to be ordered or performed by certain health care professionals. Increases the home health agency license fee. Requires a personal services agency to comply with employee criminal history check requirements. Provides that a home health agency that operates a personal services agency is not required to obtain a license to operate the personal services agency. Makes operating or advertising an unlicensed personal services agency a Class A misdemeanor. Requires a placement agency to provide the consumer and worker with certain information when a home care services worker is placed in the consumer's home. Allows the state department of health to impose a civil penalty against a placement agency for failing to provide the notice. Relocates the definition of "attendant care services". Requires the board of pharmacy to establish procedures to ensure that pharmacies may return expired prescription drugs to drug wholesalers and manufacturers. Specifies information that the board must consider in establishing the procedures. Expands the requirements that must be met by a wholesale drug distributor for eligibility for licensure. Specifies prohibited acts. Allows certain state licensure exams to apply to the psychology reciprocity requirements. Amends several definitions concerning speech-language pathology and audiology. Requires licensure of speech-language pathology aides, associates, and assistants. Amends licensure requirements of speech-language pathologists and audiologists. Requires an audiologist to possess a doctorate degree after January 1, 2007, for an initial license. Allows the professional standards board to issue credentials to certain speech language professionals. Allows certified speech-language pathologists and audiologists who meet certain requirements to be considered to have a National Board of Professional Teaching Standards certification. Requires a referral to administer a test of vestibular function. Amends reciprocity licensure requirements for speech language pathologists and audiologists. Requires licenses to be displayed. Specifies criminal acts related to wholesale drug distribution and legend drugs. Allows the board of pharmacy to establish an electronic pedigree pilot program. Makes conforming changes.

House Bill 1736 (Public Law 102-2005)

Author: Ayres

Sponsor: Clark

Citations Affected: IC 27-10

Effective: July 1, 2005

Bail law amendments. Provides for reinstatement of an expired bail agent license or recovery agent license. Specifies educational requirements for bail agent and recovery agent licensure. Provides for approval of educational courses and instructors. Specifies requirements related to: (1) publication of a determination of the commissioner of the department of insurance concerning certain activities of a bail agent or recovery agent; and (2) appointment of a surety bail agent. Requires a bail agent to pay to a former insurer all outstanding premiums owed to the former insurer within 30 days of the termination of an appointment, and to file an affidavit with the commissioner concerning any unpaid outstanding premiums. Establishes a procedure by which the commissioner may enforce the 30 day payment requirement. Provides that the commissioner's authority to enforce the 30 day payment requirement does not affect other legal or equitable remedies of the insurer. Amends the law creating the bail bond enforcement and administration fund.

PROPERTY

See also:

SB 373: Statutes of limitation in property matters.

[Civil Procedure]

SB 417: Appraisal and survey of DOC controlled real estate.

[State Offices and Administration]

SB 509: Deceptive acts, attorney general, and new home warranties.

[Trade Regulation]

Senate Bill 198 (Public Law 85-2005)

Author: Zakas

Sponsor: Turner

Citations Affected: IC 32-34

Effective: July 1, 2005

Abandoned and unclaimed property. Provides that, under the law concerning abandoned and unclaimed property, the attorney general may waive the payment of interest for a person who is obligated but fails to pay money or deliver property owned by another. Reduces from five years to three years the period after which stock and other payments is considered abandoned.

Senate Bill 267 (Public Law 23-2005)

Author: Jackman

Sponsor: Gutwein

Citations Affected: IC 32-30

Effective: July 1, 2005

Agricultural nuisance actions. Specifies that certain changes to an agriculture operation are not a nuisance.

Senate Bill 295 (Public Law 156-2005)

Author: Steele

Sponsor: Foley

Citations Affected: IC 32-21

Effective: July 1, 2005

Instruments of defeasance. Requires certain instruments of defeasance concerning the conveyance of an estate in land, except deeds of defeasance or bonds, to: (1) be in a form required by the deed; (2) contain an accurate legal description of the estate in land; (3) be dated; (4) have been acknowledged before a notary public; (5) have been made for consideration; and (6) be recorded within 90 days after the date of the deed.

Senate Bill 306 (Public Law 87-2005)

Author: Riegsecker

Sponsor: Neese

Citations Affected: IC 13-18; 16-18; 16-41; 25-1; 25-23.7; 32-30

Effective: July 1, 2005

Mobile and manufactured homes. Provides that, for purposes of health and professions and occupations law: (1) a "manufactured home" is a home that conforms to the definition provided under federal law; and (2) a "mobile home" is a home manufactured before the imposition of federal standards. Replaces the term "mobile home park" with "mobile home community". Amends the definition of a "mobile home community" on December 31, 2005. Specifies areas in which a governmental body may not regulate mobile homes and manufactured homes. Provides for regulation of the installation of manufactured homes and mobile homes in mobile home communities. Requires that installations in mobile home communities be performed by licensed installers. Allows a mobile home community to modify a location and retain the status that the location possessed under the local ordinance before the modification. Makes conforming changes.

Senate Bill 352 (Public Law 66-2005)

Authors: Broden, M. Young

Sponsor: Becker

Citations Affected: IC 36-7

Effective: July 1, 2005

Unsafe premises. Provides that for purposes of the unsafe building law, a tract of real property that does not contain a building or structure, not including land used for production agriculture, is an unsafe premises if the tract is a fire hazard, a hazard to public health, a public nuisance, or dangerous to a person or property.

Senate Bill 564 (Public Law 167-2005)

Authors: Clark, Kruse

Sponsor: Foley

Citations Affected: IC 32-29; 32-30

Effective: July 1, 2005

Mortgage foreclosure sales. Allows a petitioner in a mortgage foreclosure sale to request an auctioneer who must be approved by the court. Requires the auctioneer to schedule the auction.

House Bill 1063 (Public Law 173-2005)

Author: Wolkins

Sponsor: Bray

Citations Affected: Noncode

Effective: July 1, 2005

Eminent domain study committee. Establishes an interim study committee to study certain eminent domain issues.

PUBLIC SAFETY

See also:

SB 196: Licensing and permits for boxing; criminal history information.

[Professions and Occupations]

HB 1022: Military base protection act.

[Military]

HB 1580: Employment absence for volunteer firefighters.

[Labor]

Senate Bill 12 (Public Law 11-2005)

Authors: Zakas, Breaux

Sponsor: Walorski

Citations Affected: IC 4-13; 4-20.5

Effective: July 1, 2005

"Code Adam" program to locate missing children. Requires the department of administration to adopt rules to establish and implement a "Code Adam" protocol for lost or missing children in certain state buildings.

Senate Bill 32 (Public Law 49-2005)

Authors: Zakas, Hume

Sponsor: Ulmer

Citations Affected: IC 35-47

Effective: July 1, 2005

Handgun licenses and noncitizens. Permits the issuance of a license to carry a handgun only to: (1) citizens; and (2) noncitizens who are allowed under federal law to carry a firearm in the United States. Prohibits a person who: (1) is prohibited by court order from possessing a handgun; or (2) has been convicted of a crime of domestic violence (unless a court restores the person's right to possess a firearm); from obtaining a license to carry a handgun.

Senate Bill 56 (Public Law 22-2005)

Author: Wyss

Sponsor: Ruppel

Citations Affected: IC 4-3; 5-2; 5-14; 5-22; 10-14; 10-15; 10-19; 16-18; 16-31; 22-12; 22-13; 22-14; 22-15; 36-7; P.L. 205-2003

Effective: Retroactive (April 15, 2005)

Establishes the department of homeland security. Abolishes the state emergency management agency, the fire and building services department, the public safety and training board, the advanced life support subcommittee, and the public safety institute. Transfers the functions of these entities to the department of homeland security. Reduces the membership of the fire prevention and building safety commission. Requires the governor to appoint members to the commission. Makes several changes relating to emergency medical services dispatch certification. Provides that the definition of "building law" does not include a fire safety law. Transfers statutes and repeals superseded statutes. Requires the legislative services agency to prepare legislation for introduction in the 2006 regular session of the general assembly to organize and correct statutes affected by the establishment of the department of homeland security. Appropriates money received by the counterterrorism and security council.

Senate Bill 67 (Public Law 146-2005)

Author: Steele

Sponsor: Ruppel

Citations Affected: IC 36-8

Effective: July 1, 2005

Wireless enhanced 911. Requires the wireless enhanced 911 advisory board (board) to review biennially wireless 911 service to ensure that 911 fees are not excessive and are used properly. Specifies that commercial mobile radio service (CMRS) providers and public safety answering points (PSAPs) may be reimbursed from the wireless emergency telephone system fund for the costs of implementing phase two of the 1996 Federal Communications Commission (FCC) order concerning wireless enhanced 911 service if the costs are: (1) incurred before July 1, 2005; and (2) invoiced to the board not later than December 31, 2005. Specifies that a CMRS provider may be reimbursed for costs incurred before July 1, 2005, to comply with the FCC order and rules adopted under the order. Allows part of the wireless enhanced 911 fee to be used to reimburse the board for certain wireless enhanced 911 services required by the FCC order but not incurred by CMRS providers or PSAPs. Requires the board to reduce the fee to less than \$0.50 after all CMRS providers have been reimbursed for expenses. Specifies how the board must allocate the fee after all CMRS providers have been reimbursed. Prohibits the board from reimbursing a CMRS provider for expenses submitted after December 31, 2005. Provides that the Indiana utility regulatory commission does not have jurisdiction over CMRS rates, terms, or conditions. Repeals an obsolete reference to pseudo-automatic number identification.

Senate Bill 165 (Public Law 52-2005)

Author: Drozda

Sponsor: Cherry

Citations Affected: IC 5-2; 34-30

Effective: July 1, 2005

Law enforcement training. Specifies that the employees of certain university police departments are law enforcement officers. Expands the law enforcement training board (board) to include the police chief of Indianapolis and the sheriff of a county with a population of at least 100,000. Requires that the police chief executive training program must include training on emergency vehicle operation and cultural diversity. Requires the board to develop a refresher course for certain former law enforcement officers. Authorizes the board to revoke a law enforcement officer's certification under certain circumstances, and requires the board to consider

the opinion and testimony of the officer's hiring or appointing authority in determining whether to revoke an officer's certification. Requires a person who knows of a reason to revoke an officer's certification to make a report, and provides civil immunity for a report made in good faith. Removes obsolete language and makes conforming amendments.

Senate Bill 230 (Public Law 64-2005)

Author: Lubbers

Sponsor: Becker

Citations Affected: IC 5-2; 11-8

Effective: July 1, 2005

Sex offender directory and victim notification. Adds registered neighborhood associations to the list of entities that must periodically receive the sex and violent offender directory published by the criminal justice institute. Allows the department of correction to establish an automated victim notification system. Allows a crime victim to register for the system by telephone. Provides that a system must notify a registered crime victim by telephone when: (1) a committed offender's status changes; or (2) the offender is released or has escaped. Allows a crime victim to obtain the most recent status of an offender by calling the system. Allows money in the victim and witness assistance fund to be used to establish and maintain a victim notification system. Provides that there is no cause of action based on a system's failure to notify. Requires a sheriff or the police chief of Indianapolis to notify the department when a sex offender files a new sex offender registration form if the department has established an automated victim notification system.

Senate Bill 484 (Public Law 24-2005)

Authors: Wyss, Craycraft

Sponsor: Alderman

Citations Affected: IC 5-10

Effective: July 1, 2005

State police officer survivor health benefit. Requires the state police department to offer to provide and pay for health coverage equal to health coverage offered to active state police officers for the surviving spouse and dependent children of certain state police officers who die in the line of duty.

House Bill 1159 (Public Law 140-2005)

Author: Ruppel

Sponsors: Zakas, Dillon

Citations Affected: IC 12-7; 12-10; 22-14; 34-30; 35-44; 35-45; 35-47

Effective: Upon Passage (May 4, 2005); July 1, 2005

Law enforcement. Provides that a law enforcement agency that receives a credible notification concerning a missing endangered adult may prepare and forward a report concerning the missing endangered adult to: (1) other law enforcement agencies; (2) the National Crime Information Center; (3) the data and communication system; and (4) broadcasters in the area where the missing endangered adult may be located. Provides that a law enforcement agency may forward the report to a newspaper. Provides civil immunity to a broadcaster or newspaper that receives an endangered adult medical alert. Makes filing a false report concerning a missing endangered adult a Class B misdemeanor. Requires state and local law enforcement agencies to issue

annually to their retired law enforcement officers a photographic identification. Allows a retiring member of the arson division of the office of the state fire marshal to retain the member's service weapon and requires the office to issue the retiring member a badge and an identification card. Requires a retired law enforcement officer who carries a concealed firearm under federal law to obtain annually, at the officer's expense, an endorsement or certification that the officer meets the training and qualification standards to carry that type of firearm. Provides that an entity that provides the endorsement or certification is immune from civil or criminal liability for providing the endorsement or certification. Makes it a Class C misdemeanor for a person to panhandle at certain times, in certain locations, or while engaging in certain activities.

House Bill 1600 (Public Law 10-2005)

Author: Ruppel

Sponsors: Lubbers, Merritt

Citations Affected: IC 5-10; 35-33

Effective: Upon Passage (April 7, 2005); July 1, 2005

Special death benefit fund. Allows a private university to purchase coverage from the special death benefit fund for all firefighters employed by the university, including firefighters employed by the university who died in the line of duty after June 30, 2004, and before July 1, 2005. Allows a private university, college, or junior college to purchase coverage from the special death benefit fund for all police officers appointed by the university, college, or junior college. including police officers employed by the university, college, or junior college who died in the line of duty after June 30, 2004, and before July 1, 2005. Imposes a \$5 fee on each bail bond and deposits the fees collected in the special death benefit fund.

House Bill 1776 (Public Law 187-2005)

Author: Buell

Sponsors: Miller, Steele

Citations Affected: IC 35-33; 35-47

Effective: July 1, 2005

Seizing weapons from a dangerous individual. Permits a law enforcement officer to seize a firearm possessed by an individual whom the officer reasonably believes to be dangerous. Requires the firearm to be returned to the individual within 14 days unless a court finds that the individual is dangerous and that retention of the firearm by the law enforcement agency is appropriate. Permits a court to issue a search warrant for a firearm possessed by an individual believed to be dangerous if certain conditions are met. Permits a person from whom a firearm has been seized and ordered retained to petition a court for return of the firearm after 180 days. Authorizes a court to order a firearm retained by a law enforcement agency to be destroyed or otherwise disposed of after five years. Makes conforming amendments.

STATE AND LOCAL ADMINISTRATION

Senate Bill 244 (Public Law 74-2005)

Author: Long

Sponsor: Borrer

Citations Affected: IC 5-30

Effective: July 1, 2005

Design-build public works projects. Authorizes a state agency, state educational institution, body corporate and politic created by statute, county, city, town, or township to enter into a design-build contract for the performance of a public works project. Establishes procedures for solicitation and award of a design-build contract. Requires a governing body to adopt resolutions related to design-build contracts at a public meeting for which public notice has been provided. Provides that each member of the technical review committee must certify that there is not a conflict of interest between the member and the design-builder responding to a request for proposals. Specifies that if a conflict of interest exists, the member must be replaced before the review of any proposal. Specifies that the notice of a request for qualifications must allow at least 30 days for potential design-builders to respond to the request. Requires a determination of the common construction wage to be made for a public project to be constructed under a design-build contract. Requires a written determination by a public agency that a legitimate reason exists for the replacement of a person identified by the design-builder as a subcontractor with whom the design-builder proposes to subcontract.

STATE OFFICES AND ADMINISTRATION

See also:

SB 12: Requires Department of Administration to implement "Code Adam" protocol to locate missing children in state buildings.

[Public Safety]

SB 56: Establishes the department of homeland security.

[Public Safety]

SB 63: Acquisition of railroad corridors by Department of Transportation.

[Utilities and Transportation]

SB 140: Department of Revenue rules on use of charity gaming proceeds.

[Gaming]

SB 315: In-house construction by DNR.

[Natural Resources]

SB 607: Professional licensing agency.

[Professions and Occupations]

SB 619: Office of Environmental Adjudication.

[Environment]

HB 1008: Department of Agriculture; Office of Rural Affairs.
[Agriculture]
HB 1611: Direct deposit of state payments.
[Technology]

Senate Bill 64 (Public Law 117-2005)

Author: Merritt

Sponsor: Murphy

Citations Affected: Noncode

Effective: Upon Passage (May 4, 2005)

Library and heritage study committee. Establishes the library and heritage study committee to study and evaluate the creation of a department of the state library and heritage. Establishes the state house museum committee to study and evaluate the creation of a state house museum, visitor's center and gift shop. Requires the department of administration to study the feasibility of renovating the first floor of the state house to accommodate a museum, visitor's center, and gift shop.

Senate Bill 298 (Public Law 226-2005)

Authors: M. Young, Kenley

Sponsor: Hinkle

Citations Affected: IC 4-22; 13-14; 20-19

Effective: July 1, 2005

Administrative rules requiring fiscal review. Makes the following changes to the administrative rulemaking statute requiring an agency to submit a rule with an estimated economic impact greater than \$500,000 to the legislative services agency (LSA) for a fiscal impact statement: (1) Requires the agency to consider the rule's annual economic impact after the rule is fully implemented. (2) Specifies that the \$500,000 threshold applies to the impact on all regulated persons. (3) Requires the agency to submit to LSA a rule meeting the threshold for a fiscal impact statement not later than 50 days before the public hearing on the rule. (4) Requires the agency to consider the rule's impact on a person that already voluntarily complies with the rule. Makes conforming changes to the statute requiring the education roundtable to determine the fiscal impact of certain recommendations it makes.

Senate Bill 335 (Public Law 229-2005)

Author: Simpson

Sponsor: Espich

Citations Affected: IC 4-4; 4-21.5; 5-14; 5-29; 6-1.1; 8-3; 8-21; 9-21; 14-10; 14-13; 14-18; 14-20; P.L. 4-2005

Effective: July 1, 2005

Office of tourism. Establishes the office of tourism. Transfers tourism functions of the lieutenant governor (transferred from the department of commerce in P.L.4-2005) to the office of tourism. Makes other conforming changes.

Senate Bill 417 (Public Law 108-2005)

Authors: Lawson, Bray

Sponsor: Thomas

Citations Affected: Noncode

Effective: Upon Passage (April 27, 2005)

Appraisal and survey of DOC controlled real estate. Requires the department of administration to: (1) hire a land surveyor or use a staff member who is a registered land surveyor to survey; and (2) hire a real estate appraiser to appraise; certain real property in LaPorte County and Putnam County that is owned by the state and under the control of the department of correction (DOC). Requires reports to be filed with the legislative council concerning the survey and appraisal of the DOC controlled property that could be sold. Allows the DOC to refuse to sell certain property.

Senate Bill 452 (Public Law 232-2005)

Author: Kenley

Sponsor: Borrer

Citations Affected: IC 4-4; 8-10

Effective: July 1, 2005

Self-liquidating projects at port commission. Expands the definition of self-liquidating project for purposes of the port commission statute to include projects: (1) for which payments under leases from sources other than rentals are available for debt service and maintenance expenses; or (2) that are structured in such a manner that there is no recourse against the state or the port commission. (Under current law, self-liquidating projects are exempt from certain provisions concerning interest rates on bonds, bond sale procedures, and contracting procedures.) Specifies that revenue bonds issued by the port commission are not a debt of the commission and are payable solely from funds pledged for their payment. Makes conforming changes. Indicates that money from the twenty-first century research and technology fund may be used to provide grants and loans for research and technology transfer facilities. Authorizes the development finance authority to issue \$1,000,000,000 in bonds to provide funding for the twenty-first century research and technology fund.

Senate Bill 503 (Public Law 91-2005)

Author: Hershman

Sponsor: Koch

Citations Affected: IC 4-1; 36-2

Effective: July 1, 2005

Release of Social Security numbers. Prohibits a state agency from releasing the Social Security number of an individual unless the release is: (1) required by state law, federal law, or court order; (2) authorized in writing by the individual; (3) made to comply with the USA Patriot Act or Presidential Executive Order 13224; or (4) made to a commercial entity for permissible uses set forth in the Drivers Privacy Protection Act, the Fair Credit Reporting Act, or the Financial Modernization Act of 1999. Provides that disclosure of the last four digits of a Social Security number is not considered a disclosure of the Social Security number. Requires a state agency to notify: (1) an individual of a security breach of the agency's computer system if the individual's unencrypted personal information was or is reasonably believed to have been acquired by an unauthorized person; and (2) all consumer reporting agencies if notice is provided to more than

1,000 people. Makes it a Class D felony to knowingly, intentionally, or recklessly make a false representation to obtain a Social Security number or for an agency employee to knowingly, intentionally, or recklessly disclose a Social Security number. Provides that an agency employee who negligently discloses a Social Security number commits a Class A infraction. Requires an individual who prepares a document for recording to: (1) certify that the individual reviewed the entire document and took reasonable care to redact Social Security numbers in the document; and (2) record the certification. Requires: (1) each county legislative body to establish an identification security protection fund; and (2) until July 1, 2011, the county recorder to deposit \$2 of the fee for recording a certification in the fund. After December 31, 2007, requires a county recorder or an employee of a county recorder to search documents using redacting technology to redact Social Security numbers before the documents are released for public inspection. Authorizes establishment of a pilot project beginning July 1, 2005, to develop procedures and test technology and equipment for searching recorded documents and redacting Social Security numbers. Requires county recorders to seek federal grants, private funds, and other sources of money to implement redacting technology.

Senate Bill 569 (Public Law 110-2005)

Author: Miller

Sponsor: Becker

Citations Affected: IC 16-19

Effective: July 1, 2005

Safety of children during storms. Requires the state department of health to adopt guidelines concerning the safety of children during bad weather conditions and to distribute the guidelines to the department of education and make the guidelines available to certain persons.

Senate Bill 578 (Public Law 235-2005)

Authors: Hershman, Gard

Sponsor: Buell

Citations Affected: IC 4-4; 4-6; 4-8.1; 4-12; 4-13; 4-13.5; 4-13.6; 4-21.5; 4-22; 5-1; 5-1.5; 5-13; 5-14; 5-1; 5-20; 5-26; 5-28; 6-3.1; 8-1; 8-9.5; 8-10; 8-14.5; 8-15; 8-16; 8-21; 8-23; 9-21; 13-11; 13-15; 13-18; 13-19; 14-13; 14-14; 15-1.5; 15-7; 16-22; 20-12; 27-1; 28-5; 34-30; 36-7

Effective: May 15, 2005; July 1, 2005

State bonding entities. Changes the membership of the Indiana development finance authority, and renames it as the Indiana finance authority (IFA). Transfers the powers and duties of the state office building commission, the transportation finance authority, and the recreational development authority to the IFA. Establishes the office of public finance director. Requires the IFA to establish a state debt management plan. Authorizes the IFA to issue bonds for the wastewater and drinking water revolving loan programs. Requires the IFA to administer the wastewater and drinking water revolving loan programs, the supplemental drinking water and wastewater assistance programs, and the environmental remediation revolving loan program. Transfers to the IFA powers and duties of the budget agency and department of environmental management with respect to the programs. Repeals provisions concerning certain duties relating to the administration of the programs. Combines the health facility financing authority and the educational facilities authority into a new health and educational facility financing authority. Renames the housing finance authority as the housing and community development authority.

Requires the IFA, the health and educational facility financing authority, and the housing and community development authority to adopt investment policies, and permits them to enter into swap agreements subject to those policies. Provides that certain actions taken by the IFA and the Indiana bond bank that might establish a moral obligation are subject to review by the budget committee and approval by the budget director. Replaces the director of the department of financial institutions with the public finance director on the board of directors of the Indiana bond bank. Changes the membership of the housing and community development authority. Transfers to the Indiana housing and community development authority responsibility for: (1) the administration of the individual development account program; (2) the administration of the homeowner education account program; and (3) the approval of contributions and programs for purposes of determining eligibility for the neighborhood assistance tax credit. Makes the issuance of bonds by the housing and community development authority, the port commission, or the state fair commission subject to the approval of the governor. Reduces the maximum term of bonds issued by the port commission from 50 years to 35 years. Establishes the Indiana broadband development program to be administered by the IFA to encourage the development of affordable broadband services and networks in underserved areas in Indiana. Prohibits the White River state park development commission and the Indiana political subdivision risk management commission from issuing bonds after June 30, 2005. Provides that the budget agency may request and consider the recommendation of the staff of the IFA with respect to the approval of certain bond issues by state universities. Makes provisions concerning surety bonds and annual reporting requirements consistent in various statutes governing bonding entities. Repeals provisions concerning the organization and administration of entities that are replaced by the IFA. Repeals criminal penalties for conflicts of interest under the state office building commission statute. Legalizes bonds, notes, contracts, and obligations previously issued or entered into by certain bonding entities. Makes other conforming changes.

House Bill 1032 (Public Law 6-2005)

Author: Heim

Sponsors: Heinold, Hershman

Citations Affected: IC 5-22

Effective: July 1, 2005

Use of biodiesel fuel in state vehicles. Requires the use of blended biodiesel fuel in state vehicles when feasible.

House Bill 1265 (Public Law 239-2005)

Author: Pond

Sponsors: Dillon, Merritt

Citations Affected: IC 4-22; 34-30

Effective: July 1, 2005

Justification for rulemaking. Requires an agency that publishes a notice of intention to adopt a rule that imposes a requirement or cost on a regulated entity to include in the notice a statement justifying the requirement or the cost. Provides that the statement must include a reference to any data, studies, or analyses relied upon by the agency in determining that the imposition of the requirement or cost is necessary. Requires a state agency to assign a small business regulatory coordinator for each administrative rule proposed or adopted by the agency. Requires the agency to list the coordinator's contact information in certain published notices and rules. Requires the

coordinator to serve as a liaison between the agency and small businesses subject to the rule. Requires, in the case of a rule adopted by the department of environmental management (IDEM) or its boards, the coordinator for the rule to work with IDEM's ombudsmen and office of voluntary compliance to coordinate services provided to affected small businesses. Requires an agency's director to submit an annual report to the legislative council and the Indiana economic development corporation concerning the activities of the agency's coordinators during the state fiscal year. Provides that a small business that voluntarily notifies an agency of a rule violation is immune from civil or criminal liability in an administrative action if the small business: (1) provides the notice within 45 days after discovering the violation; (2) corrects the violation within the time agreed to by the agency and the small business; and (3) cooperates with any investigation by the agency. Provides that immunity is not available if: (1) the violation resulted in serious harm or endangered the public; (2) the small business received a competitive advantage; or (3) the small business has a pattern of rule violations. Provides that certain information provided by a small business relating to a rule violation is confidential. Provides that voluntary notice of a rule violation by a small business is not admissible as evidence, other than in an agency proceeding, to prove liability.

House Bill 1329 (Public Law 244-2005)

Author: Becker

Sponsors: Server, Lutz

Citations Affected: IC 4-20.5

Effective: Upon Passage (May 13, 2005)

Evansville State Hospital advisory committee. Provides that fences and bleachers may not be constructed on property of Evansville State Hospital and that fences and bleachers may not be constructed on property of the hospital which is sold. Reestablishes the Evansville State Hospital advisory committee to study proposed uses of the hospital property. Directs the governor and the commissioner of the department of administration to convey certain real property located in Vanderburgh County to the Southwestern Indiana Master Gardener Association, Inc.

House Bill 1501 (Public Law 222-2005)

Author: Yount

Sponsors: Server, Lanane

Citations Affected: IC 4-2; 4-6; 4-13; 4-15; 4-21.5; 5-11; 5-22; 10-11; 10-13; 15-1.5; 16-41; 24-4.7; 24-5; 24-8; 27-2; 33-39; 34-24; 35-41; 35-44

Effective: Upon Passage (May 11, 2005); July 1, 2005

Inspector general and deceptive acts. Creates the office of the inspector general, and allows the ethics commission to refer a matter for investigation by the inspector general. Provides that evidence concerning an alleged breach of the code of ethics is confidential until probable cause has been established. Prohibits state officers, employees, and special state appointees employed from accepting employment or other benefits or from participating in any decision that would constitute a conflict of interest. Requires the department of administration to adopt rules requiring a person who lobbies the executive branch to register as an executive branch lobbyist. Mandates a one year waiting period before a former state officer, employee, or special state appointee may accept compensation as: (1) a lobbyist; or (2) an employee of an entity that the

former state officer, employee, or special state appointee negotiated with, regulated, supervised, or licensed. Prohibits a former state officer, employee, or special state appointee from any involvement in a particular matter that the state officer, employee, or special state appointee personally and substantially participated in while a state officer, employee, or special state appointee. Allows the commission to: (1) issue reprimands; (2) terminate or suspend an employee or special state appointee; (3) recommend the impeachment of a state officer; and (4) bar a person from state employment; if the commission determines that the person has violated the ethics code or committed other misconduct. Permits a covered employee to appeal a decision of the ethics commission to the state employee appeals commission. Makes: (1) unlawful retaliation against an employee for cooperating with the commission; or (2) interfering with an inspector general investigation; a Class A misdemeanor. Requires the inspector general to investigate wrongdoing affecting state government and establish a code of ethics. Provides that records of the office of the inspector general, other than confidential records, are subject to public inspection. Specifies that the open door law applies to public meetings of the inspector general. Allows the inspector general to bring, in a matter involving public misconduct, a: (1) civil action on behalf of the state if the attorney general does not do so; and (2) criminal prosecution on behalf of the state if a prosecuting attorney does not do so and a court of appeals judge authorizes the appointment of the inspector general as a special prosecutor. Requires random selection of the court of appeals judge who determines whether the inspector general should be appointed as a special prosecuting attorney, and permits the court of appeals judge to appoint either the inspector general or a prosecuting attorney to serve as a special prosecutor. Requires the inspector general to reimburse a prosecuting attorney for reasonable expenses incurred in serving as a special prosecutor. Specifies that the office of the inspector general is a law enforcement agency. Permits a prosecuting attorney to appoint the inspector general or a deputy inspector general as a deputy prosecuting attorney in a case involving public misconduct. Allows the inspector general to bring certain forfeiture actions. Makes official misconduct and profiteering from public service a Class D felony. Permits a person to bring a civil action on behalf of the state to recover money owed to the state due to the filing of a false claim. Allows the attorney general to intervene in a civil action concerning a false claim, and allows the inspector general to intervene if the attorney general is disqualified from intervening or elects not to intervene. Provides that the person initiating the civil action is entitled to 10% to 25% of the proceeds recovered in the action if the attorney general or the inspector general intervenes and 25% to 30% if the attorney general or inspector general does not intervene. Permits the attorney general and the inspector general to issue a civil investigative demand in an action involving a false claim, and establishes procedures for the issuance of civil investigative demands. Provides enhanced relief for a whistleblower who has been retaliated against by an employer for assisting in an investigation concerning a false claim. Requires a contractor that contracts with a governmental body to certify that the contractor, the contractor's affiliates, and persons acting on behalf of the contractor or its affiliates have not violated the terms of the telephone privacy act in the previous year, and will not violate the terms of the telephone privacy act, telephone solicitation act, or automatic dialing act for the duration of the contract. Permits the attorney general to institute a civil action to void a contract under certain circumstances if the contractor: (1) falsely asserts past compliance with the telephone privacy act; or (2) violates the terms of the telephone privacy act, telephone solicitation act, or automatic dialing act while the contract is in effect. Excludes contracts where one party is a political subdivision from compliance with the telephone privacy contracting restrictions. Authorizes the court to provide for the appointment of a receiver in an

action brought by the attorney general to enjoin a deceptive act. Provides that the law regulating promotional gifts and contests applies to a notice of a promotion that is delivered by electronic mail or another form of electronic communication. Makes other changes and conforming amendments.

House Bill 1540 (Public Law 9-2005)

Author: Woodruff

Sponsors: Long, Lewis

Citations Affected: Noncode

Effective: July 1, 2005

Indiana Abraham Lincoln bicentennial commission. Establishes the Indiana Abraham Lincoln bicentennial commission.

TAXATION

See also:

HB 1033: Brownfield remediation tax credits.

[Environment]

HB 1120: State and local finance matters.

[Economic Development]

HB 1431: Clean water funding from cigarette tax fund.

[Environment]

Senate Bill 1 (Public Law 193-2005)

Authors: Ford, Hume

Sponsor: Turner

Citations Affected: IC 6-1.1; 6-2.5; 6-3.1

Effective: Retroactive (January 1, 2005; February 9, 2005); May 15, 2005; July 1, 2005; January 1, 2006; January 1, 2007

*** This summary appears in a different format because it was prepared by the Senate Majority Fiscal Staff and contains more detail than the standard bill digest.*

Property Tax Measures

- Provides Property Tax Investment Deductions for real property improvements and new personal property (except inventory) first assessed after March 1, 2005 equal to the increase in AV multiplied by 75% in the 1st year of deduction, 50% in the 2nd year of deduction and 25% in the 3rd year of deduction. (Limited to a total of \$2 million per taxpayer) (Effective January 1, 2006)
 - o Adds an expiration date for Property Tax Investment Deductions for property assessed or installed before March 2, 2009.
- Establishes a process for claiming abatement deductions on a taxpayer's personal property tax return. (Effective January 1, 2006)

- Provides that if the Township or County Assessor does not deny the application, the abatement applies in the amount claimed or the amount determined by the Township or County Assessor. (Effective January 1, 2006)
- Allows the claimant to appeal the determination of the Township or County Assessor to the Property Tax Assessment Board of Appeals. (Effective January 1, 2006)

Sales Tax Exemption/Credit

- Defines which tangible personal property is considered research and development equipment. Provides a refund of 50% of the sales tax paid on R&D equipment for FY06 & 07. Provides an exemption of 100% beginning in FY08.
 - o Expands the definition of tangible personal property that is exempt from the sales tax to any part of a professional motor racing vehicle, excluding tires and accessories. (Effective July 1, 2005) (From SB 461)

Research Expense Credit

- Extends the Research and Development Tax Credit at 10% for qualified expense incurred prior to January 1, 2008. Increases the credit to 15% for the 1st \$1 million of qualified expense after December 31, 2007. (Credit remains at 10% for qualified expense in excess of \$1 million)
- Reduces the period R&D Expense Credits may be carried over from 15 to 10 years. (Effective for taxable years after December 31, 2005 regardless of when the credits were earned)

Venture Capital Investment Tax Credit

- Adds “professional motor vehicle racing” to the definition of a “qualified Indiana business” for purposes of the Venture Capital Investment Tax Credit. (Effective January 1, 2005) (From SB 461)
- Changes the definition of “qualified investment capital” for purposes of the Venture Capital Investment Tax Credit to exclude bank debt provided by a financial institution secured by a senior security position. (Effective January 1, 2005)
- Increases the maximum amount of Venture Capital Investment Tax Credits that may be certified for payment is any one year from \$10.0 million to \$12.5 million. (Effective January 1, 2005) (From SB 367)
- Limits the period of time Venture Capital Investment Tax Credits may be carried over to 5 years. (Effective January 1, 2006, there is currently no limit.)

Headquarters Relocation Tax Credit

- Provides a state tax credit to a business (with annual revenues of at least \$500 million) that relocates its corporate headquarters to Indiana equal to 50% of relocation costs. (Effective January 1, 2007)
- Limits the period the tax credit may be carried over to 9 years.

Senate Bill 100 (Public Law 118-2005)

Authors: Long, Broden

Sponsor: Espich

Citations Affected: IC 6-3.5

Effective: July 1, 2005

Local option income taxes. Provides that a civil taxing unit may use the civil taxing unit's distributive share of county option income tax revenue for any lawful purpose. Provides that a county, city, or town may use county economic development income tax revenue for any lawful purpose.

Senate Bill 213 (Public Law 195-2005)

Author: M. Young

Sponsor: Friend

Citations Affected: IC 6-2.5

Effective: July 1, 2005

State gross retail tax. Brings Indiana law into conformance with the requirements of the Streamlined Sales and Use Tax Agreement concerning: (1) the definition of tobacco; and (2) monetary allowances given to sellers and certified service providers for collecting sales and use taxes. Allows a partial sales tax exemption for a cargo trailer or a recreational vehicle and a full exemption for an aircraft purchased in Indiana, if it is to be titled or registered for use in another state. For cargo trailers and recreational vehicles, the exemption is equal to the sales tax imposed in Indiana minus the sales tax that would be imposed in the other state if the transaction had occurred in that state. Requires a retail merchant to maintain records substantiating the exemption.

Senate Bill 327 (Public Law 228-2005)

Authors: Hume, Kenley

Sponsor: Espich

Citations Affected: IC 6-1.1; 20-14; 21-2; P.L. 245-2003

Effective: January 1, 2004; Upon Passage (May 12, 2005); July 1, 2005

Taxation. Provides that special integrated steel mill equipment property tax valuation applies only if the mill produces steel in a blast furnace in Indiana. Delays the next general reassessment of real property by two years and requires general reassessments every five years thereafter. Delays until 2006 implementation of annual adjustments of real property tax assessments. Directs the department of local government finance (DLGF) to adjust its guidelines used to determine the annual adjustment for agricultural land. Amends the factors to be included in the annual adjustment rule of the DLGF. Sets an agricultural land base rate of \$880 per acre for property tax assessments in 2005 and 2006. Allows assessors to employ professional appraisers to assist with annual adjustments. Requires the DLGF to: (1) review and certify annual adjustments; (2) establish local deadlines in the determination of annual adjustments; (3) provide training to assessors and county auditors in the verification of sales; (4) approve a determination by assessors to not employ a professional appraiser for a general reassessment; and (5) adopt rules for the establishment of a statewide uniform and common property tax management system. Allows the DLGF to take over local assessment, reassessment, or annual adjustment activities after giving at least 60 days notice if it determines that the activities are not being performed properly. Allows the county assessor and the township assessors in the county to vote to abolish

the county land valuation commission. Requires payment for state conducted assessment or reassessment activities from the county property reassessment fund and establishes a schedule of levies for that fund. Provides that the DLGF does not prescribe computer specification standards for the certification of computer operating systems. Allows the filing of an assessment registration notice with the county assessor or the area plan commission. Renames the assessment training fund the assessment training and administration fund, extends for six years the \$10 sales disclosure form filing fee, requires deposit of 40% of the revenue from the fee in that fund instead of the state general fund, and allows the Indiana board of tax review to use money in the fund to conduct appeal activities. Requires additional information on the sales disclosure form. Applies sales disclosure requirements to property exempt from property taxes. Adjusts requirements for notice by the DLGF to taxpayers objecting to local budgets and levies. Requires the DLGF to conduct its review of local government budgets by fund, except for budgets for school and library capital projects funds. Provides that the term of a member of the property tax assessment board of appeals is one year. Directs the department of state revenue to withhold state property tax replacement fund distributions to counties for various reasons. Allows a school corporation to repay a rainy day fund loan from the school corporation's debt service fund. Prohibits an appraiser or a technical advisor that contracts with a township or county from representing taxpayers in the county, but allows representation with respect to an issue of a taxpayer after the contract term if the appraiser or technical advisor was not directly involved with the issue of the taxpayer while under contract. Authorizes a refund of property taxes paid by an exempt sorority that meets certain criteria. Authorizes a nonprofit youth soccer organization to claim retroactive property tax exemptions and refunds for property taxes paid in 2003 and 2004. Authorizes certain religious institutions to claim missed property tax exemptions retroactively. Authorizes retroactive property tax exemption for certain nonprofit entities established for the purpose of retaining and preserving land and water for their natural characteristics. Establishes a procedure for resolution and appeal of property tax abatements.

Senate Bill 329 (Public Law 158-2005)

Author: Gard

Sponsor: Saunders

Citations Affected: IC 6-9

Effective: Retroactive (December 31, 2004)

Henry County food and beverage tax. Extends until December 31, 2015 (instead of December 31, 2004), Henry County's authority to pay for capital improvements with food and beverage tax revenues or to issue bonds or enter into leases or other obligations payable from food and beverage tax revenues. Provides that a member of the capital improvements committee may be reappointed upon the expiration of the member's term (current law requires the member to be reappointed). Specifies that the county may use the food and beverage tax revenues on a pay-as-you-go basis to undertake capital improvements and may pledge other available revenues to the payment of bonds payable from the food and beverage tax. Provides that the bonds may be issued for a term of not more than 20 years, with the term including any refunding bonds. Deletes an incorrect reference to the use of money in the county's food and beverage tax receipts fund for the operating expenses of projects (which is prohibited by another provision in current law).

Senate Bill 378 (Public Law 191-2005)

Authors: Weatherwax, Kenley

Sponsor: Woodruff

Citations Affected: IC 5-28; 6-3.1

Effective: Retroactive (January 1, 2005)

Biodiesel, ethanol, and coal gasification. Provides that the Indiana economic development corporation reviews and approves applications for the biodiesel, blended biodiesel, and ethanol income tax credits. Provides standards that the corporation must apply. Creates a \$20,000,000 overall cap for the biodiesel, blended biodiesel, and ethanol producer credits. Allows the corporation to allocate the maximum credits for all taxpayers for all taxable years so long as each credit has a cap of at least \$4,000,000. Establishes a credit cap for a particular producer of biodiesel or ethanol at \$3,000,000 for all taxable years but allows the Indiana economic development corporation to increase this cap to \$5,000,000. Allows credit carryovers for six taxable years. Provides for the expiration of the blended biodiesel retailer credit as of January 1, 2007. Extends the blended diesel retail sales tax credits to dealers that distribute blended diesel at retail by a means other than a metered pump. Provides a tax credit for a taxpayer who places into service an integrated coal gasification powerplant, and requires the taxpayer to enter into an agreement with the economic development corporation requiring the taxpayer to use Indiana coal and satisfy other requirements relating to the operation of the powerplant. Provides for allocating the credit among co-owners of a integrated coal gasification powerplant or owners of a pass through entity. Corrects an internal reference. Makes other related changes.

Senate Bill 414 (Public Law 197-2005)

Author: Ford

Sponsor: T. Harris

Citations Affected: IC 6-3.1

Effective: July 1, 2005; January 1, 2006

EDGE credit applications. Provides that the economic development corporation shall, in evaluating an EDGE credit application to retain existing jobs in Indiana submitted after December 31, 2005, determine whether the average compensation paid by the applicant during the applicant's previous fiscal year exceeds: (1) the average compensation paid to employees working in the same industry sector to which the applicant's business belongs within the county in which the applicant's business is located, if there is more than one business in that industry sector in the county; (2) the average compensation paid to employees working in the same industry sector to which the applicant's business belongs in Indiana, if the applicant's business is the only business in that industry sector in the county in which the applicant's business is located but there is more than one business in that industry sector in Indiana; or (3) twice the federal minimum wage, if the applicant's business is the only business in Indiana in the industry sector to which the applicant's business belongs. In addition, for EDGE credits granted to retain existing jobs: (1) removes the requirement that an applicant provide evidence of a competing job site; (2) reduces the number of employees the applicant must employ from 200 to 75; (3) changes the minimum amount of local incentives to an amount determined by the economic development corporation; and (4) provides that if the business is located in a community revitalization enhancement district or certified technology park, the political subdivision that created the district or park must have adopted an ordinance recommending a credit at least as large as the credit amount awarded by the economic development corporation. Provides that the economic

development corporation may, in evaluating an EDGE credit application to create jobs in Indiana after December 31, 2005, consider whether the average wage paid by the applicant exceeds the average wage paid to: (1) all employees working in the same industry sector to which the applicant's business belongs in the county in which the applicant's business is located, if there is more than one business in that industry sector in the county; (2) all employees working in the same industry sector to which the applicant's business belongs in Indiana, if the applicant's business is the only business in that industry sector in the county in which the applicant's business is located but there is more than one business in that industry sector in Indiana; or (3) all employees working in the county in which the applicant's business is located, if the applicant's business is the only business in Indiana in the industry sector to which the applicant's business belongs. Extends the \$5,000,000 statewide annual cap on EDGE credits for job retention through the 2006 and 2007 state fiscal years. Requires an applicant for an EDGE credit to agree to maintain operations for at least two years after the last year in which a credit or carryover is claimed (instead of a period twice as long as the term of the tax credit). Provides that a Department of Defense aerospace contractor may elect to calculate the research expense tax credit for a taxable year by multiplying the difference of the taxpayer's qualified research expenses for the taxable year and 50% of the average of the taxpayer's qualified research expenses for the preceding three taxable years by a percentage to be determined by the economic development corporation that may not to exceed 10%.

Senate Bill 496 (Public Law 199-2005)

Authors: Kenley, Simpson

Sponsor: Espich

Citations Affected: IC 4-33; 5-1; 6-1.1; 6-1.5; 6-3.1; 6-3.5; 36-1; 36-7; 36-12

Effective: Retroactive (March 30, 2004; January 1, 2005; March 31, 2005); May 15, 2005; July 1, 2005; January 1, 2006

*** This summary appears in a different format because it was prepared by the Senate Majority Fiscal Staff and contains more detail than the standard bill digest.*

Cost of Government Report

- Requires DLGF to prepare and distribute an annual report on the expenditures per person for each political subdivision for the preceding year. The report must also include the highest, lowest, median and average amount of expenditures for each type of political subdivision. The format must allow for easy comparison between political subdivisions and the statewide information.
- Requires local governments to report to DLGF on new bonds or leases and annually report certain information on any outstanding bonds or leases.

CEDIT Homestead Credits and Inventory Tax Deductions

- Grants county auditors authority to adjust the distribution of CEDIT homestead credits which offset tax shifts resulting from property tax deductions for inventory.
- Extends until June 1, 2005 the time in which an ordinance may be adopted to provide a 100% property tax deduction for inventory beginning with pay 2006 taxes and an increase in the

EDIT tax rate to provide funds for an increased homestead credit to offset the effects of the inventory deduction on homesteads. (SB 270)

Property Tax Appeals

- Provides that if a county auditor determines in an appeal of a property assessment that the assessed value of the items appealed equals at least 1% of a taxing unit's total assessed value the auditor must: provide notice to the affected taxing units, provide notice that the taxing units, though not formal parties to the appeal, may participate in the hearing. Provides that failure to provide notice does not affect the validity of or delay the appeal. (SB 391)
- Permits an affected taxing unit to request the county executive to file an appeal of an assessment corrected by the PTABOA or the DLGF with the Indiana Board of Tax Review or the Tax Court. Provides the unit shall pay the costs of the appeal. (SB 391)

Hoosier Business Investment Tax Credits (HBITC)

- Eliminates the requirement that an applicant must conduct business in Indiana for at least one year before becoming eligible for a HBITC. (For credits awarded after June 30, 2005)
- Reduces the HBITC rate from 30% to up to 10% (as determined by the IEDC) of a qualified investment and deletes the provision that limits the use of credits to the lesser of the taxpayer's growth in state income tax liability or 30% of the qualified investment.
- Provides that the HBITC may be carried over for a period set by the IEDC, not to exceed 9 consecutive years. (For credits awarded after June 30, 2005)
- Provides that machinery, equipment and special purpose buildings associated with motion picture making are qualified investments under the HBITC.
- Adds distribution, transportation and logistical distribution equipment purchases to the list of equipment qualifying for the HBITC.
- Conforming changes to correspond with the transfer of administration of HBITC from the EDGE Board to the IEDC.

Other Tax Credits

- Defines "gross retail incremental amount" and "income tax incremental amount" for Certified Technology Parks.
- Requires local units to provide notice to taxing units affected by creation of CRED or Professional Sports Development Areas.
- Limits a taxpayer or pass through entity from using more than one of the following state tax credits: Enterprise Zones Investment Cost, Industrial Recovery, Military Base Recovery, Military Base Investment Cost, Capital Investment, CRED, Venture Capital Investment, and Hoosier Business Investment Tax Credits for the same project.

- Provides the incremental amounts the state is required to pay to a CRED or CTP plus tax credits paid to a taxpayer located in the district may not exceed the total increment generated by the investment.
- Modifies the local matching requirement for EDGE Credits for job retention from at least \$1.50 for every \$3.00 in credits provided to an amount determined by the Corporation (IEDC). (For credits awarded after June 30, 2005)

Low Income Rental Housing Assessment Method

Specifies the true tax value of low-income rental property as the greater of: 1) the income capitalization approach or 2) the gross annual tax liability equal to 5% of the total gross rent received from the rental of all units in the property in the most recent fiscal year.

Local riverboat revenue

- Authorizes the use of riverboat gaming revenues to reduce a tax unit's levy for a particular year without reducing the maximum levy.
- Requires riverboats to annually report to the Gaming Commission on incentive payments. Requires a political subdivision to formulate a budget estimate of incentive payments for the budget year. Allows a unit to establish a riverboat fund for riverboat revenues.

Library budgets and levies

Clarifies which elected body reviews and approves library operating budgets and tax levies when the library budget or levy increases by more than 5%.

Use of Property Tax Settlement Funds

Permits taxing units within a county (Lake County) that receive a property tax settlement of at least \$10 million as a result of a Tax Court decision to use their proportional share of funds received in 2005 to give taxpayers which did not pay into the settlement an additional property tax credit in 2006.

Senate Bill 574 (Public Law 168-2005)

Authors: Server, Lutz

Sponsor: Becker

Citations Affected: IC 6-9

Effective: Upon Passage (May 6, 2005); July 1, 2005; December 31, 2005

Local taxes. Requires the Lake County convention and visitor bureau to establish an alternate revenue fund consisting of all money (other than innkeeper's tax revenue) received by the bureau after June 30, 2005. Provides that the bureau is not required to submit a budget to the county council with respect to either the alternate revenue fund or the existing convention, tourism, and visitor promotion fund. Specifies that all members of the bureau serve for terms of three years. Legalizes and validates the participation of the employees of the bureau in insurance programs established by the Lake County government for the employees of the bureau. Provides that the amount of innkeeper's tax revenue deposited in the tourism capital improvement fund increases to the amount generated by a 2.5% innkeeper's tax rate in 2010 (rather than a 3.5% rate beginning

in 2006). Extends the distribution of a portion of the Vanderburgh County innkeeper's tax to the convention center operating fund. Eliminates obsolete text in the Vanderburgh County innkeeper's tax law.

Senate Bill 609 (Public Law 207-2005)

Authors: Kenley, Hume

Sponsor: Espich

Citations Affected: IC 6-3.5

Effective: July 1, 2005; January 1, 2006

County income tax distributions. Distributes county adjusted gross income tax (CAGIT) revenue to civil taxing units and school corporations and county option income tax (COIT) revenue to civil taxing units according to a formula that: (1) excludes the portion of property taxes used to pay debt issued after June 30, 2005; and (2) includes the previous year's local income tax distribution. Provides that the department of state revenue shall make adjustments to increase a county's certified distribution of CAGIT, COIT, or county economic development income tax (CEDIT) revenue when a county increases the tax rate, in the same manner required when the county initially imposes the tax.

House Bill 1004 (Public Law 236-2005)

Author: Turner

Sponsors: Kenley, Clark

Citations Affected: IC 6-8.1

Effective: Upon Passage (May 12, 2005)

Tax amnesty program. Authorizes the department of state revenue to establish a tax amnesty program that provides for the waiver of unpaid interest, penalties, and fees upon payment of unpaid listed taxes during the amnesty period or in conformity with a payment plan established by the department. Provides that a riverboat gaming business may not use the amnesty program to avoid paying adjusted gross income taxes owed under a recent Indiana Supreme court decision. Doubles the penalty for a taxpayer that is eligible to participate in the amnesty program but fails to participate. Provides certain exceptions. Requires the department of state revenue to provide the legislative council with an assessment of the impact of the tax amnesty program on tax collections and an analysis of the costs of administering the tax amnesty program.

House Bill 1182 (Public Law 216-2005)

Author: Leonard

Sponsors: Dillon, Ford

Citations Affected: IC 6-1.1; 36-7

Effective: July 1, 2005

Extension of TIF and abatements. Extends the deadlines for the creation of new tax increment finance (TIF) allocation areas and for the approval of new statements of benefits for tax abatements from December 31, 2005, to December 31, 2011, and subsequently provides for automatic five year extensions of the deadlines unless the general assembly enacts a statute that terminates the automatic extensions and designates final deadlines. Repeals the limitation of tax abatements for new logistical distribution equipment and new information technology equipment to certain counties located along Interstate Highway 69.

TECHNICAL

Senate Bill 209 (Public Law 73-2005)

Authors: Landske, Craycraft

Sponsor: Hinkle

Citations Affected: IC 6-1.1; 12-7; 12-20; 12-30; 16-24; 16-41; 35-43; 36-1; 36-2; 36-6; 36-10

Effective: July 1, 2005

Township assistance. Changes the term "poor relief" to "township assistance" in the Indiana Code in accordance with HEA 1972-2003.

House Bill 1288 (Public Law 1-2005)

Author: Foley

Sponsors: Landske, Kenley

Citations Affected: Titles 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 16, 20, 21, 22, 25, 31, 33, 34, 35, 36

Effective: July 1, 2005

Title 20 recodification. Recodifies Title 20 concerning elementary and secondary education to reorganize and restate the law without substantive change. Repeals current Title 20 provisions. Makes conforming amendments. (The introduced version of this bill was prepared by the code revision commission.)

House Bill 1398 (Public Law 2-2005)

Author: Foley

Sponsors: Landske, Kenley

Citations Affected: Titles 1, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 16, 21, 22, 24, 25, 27, 29, 31, 32, 33, 34, 35, 36; P.L. 231-2003; P.L. 62-2004; P.L. 66-2004; P.L. 90-2004; P.L. 96-2004

Effective: Upon Passage (April 25, 2005); July 1, 2005

Technical corrections. Corrects various technical problems in the Indiana Code and in noncode provisions.

House Bill 1590 (Public Law 185-2005)

Author: Moses

Sponsors: Long, Wyss

Citations Affected: IC 5-1; 7.1-3; 20-12; 36-7

Effective: July 1, 2005

Blighted areas. Replaces references to "blighted area" in various redevelopments laws with "area needing redevelopment" or "redevelopment project area". Makes conforming changes.

TECHNOLOGY

See also:

SB 92: Internet gambling.

[Gaming]

SB 330: Electronic health care transactions.

[Health]

SB 557: Unlawful recording.

[Criminal Law and Procedure]

Senate Bill 49 (Public Law 115-2005)

Author: Ford

Sponsor: Koch

Citations Affected: IC 24-4.8; 35-32; 35-41

Effective: July 1, 2005

Various computer issues. Prohibits certain uses of spyware. Authorizes a provider of computer software, a web site owner, or a trademark or copyright holder harmed by a prohibited use of spyware to bring a civil action against the person who committed the prohibited act. Allows a person who brings a cause of action for unlawful spyware installation to receive injunctive relief and the greater of actual damages or \$100,000 per violation. Provides that a person may be convicted of an offense if the person's conduct constitutes an offense under Indiana law and either: (1) involves the use of the Internet or another computer network, and access to the Internet or other computer network occurs in Indiana; or (2) involves the use of electronic communication, including the Internet or another computer network, outside Indiana and the victim of the conduct resides in Indiana at the time of the conduct. Provides that a trial for such conduct may be held in a county: (1) from which or to which access to the Internet or other computer network was made; (2) in which any computer, computer data, computer software, or computer network that was used to access the Internet or other computer network is located; or (3) in which the victim resides at the time of the conduct if the conduct involves the use of electronic communication and occurs outside Indiana.

Senate Bill 539 (Public Law 136-2005)

Authors: Mishler, Rogers

Sponsor: Becker

Citations Affected: IC 4-23

Effective: July 1, 2005

Accessible electronic information service. Requires the talking books and braille division of the state library to work with a qualified entity to provide information in an electronic format to blind and disabled persons.

Senate Bill 566 (Public Law 95-2005)

Author: Dillon

Sponsor: Murphy

Citations Affected: IC 16-18; 16-40

Effective: July 1, 2005

Healthcare Program and medical informatics commission. Establishes the medical informatics commission. Requires the commission to conduct a study or contract for a study to be conducted on health care information and communication technology. Requires the commission to provide two progress reports and a final report to the general assembly concerning a plan and recommendations on the creation, implementation, and maintenance of a health care information and communication technology system. Requires the commission to hold a public hearing before providing the final report to the general assembly. Requires the office of family and social services to provide staff for and pay the expenses of the commission, if the budget agency determines there is funding. Requires the state department of health to develop a health care quality indicator data program plan. Authorizes the state department to develop and implement a health care quality indicator data program. Requires compliance with data collection requirements. Provides for confidentiality of certain information.

Senate Bill 590 (Public Law 204-2005)

Author: Riegsecker

Sponsor: Budak

Citations Affected: IC 16-18; 16-28; 16-42; 25-26; 27-13; 35-48

Effective: July 1, 2005

Electronic prescriptions. Allows: (1) the electronic transmission of prescriptions and instructions related to the prescriptions; and (2) the transmission of prescriptions for schedule III, IV, and V controlled substances by facsimile. Provides that a prescription may be transmitted electronically only through the use of an electronic data intermediary. Requires the board of pharmacy to: (1) adopt rules concerning security of electronically transmitted prescription information; and (2) establish a process for approving electronic data intermediaries.

House Bill 1135 (Public Law 215-2005)

Author: Heim

Sponsors: Ford, Heinold

Citations Affected: IC 4-22; 13-14

Effective: July 1, 2005

Electronic publication of the IAC and Indiana Register. Requires the legislative services agency, as the publisher, to publish the Indiana Administrative Code (IAC) and the Indiana Register in electronic form only after June 30, 2006. Establishes administrative rulemaking requirements to facilitate the electronic editing and publication of the documents. Requires an agency to obtain an "authorization to proceed" from the publisher of the Indiana Register. Specifies that the publisher of the Indiana Register and Indiana Administrative Code may permanently publish those documents on the Internet to meet the publisher's publication duties. Requires the publisher to provide a paper copy of each document to each federal depository library in Indiana. Expands exceptions to the requirement that an agency begin the rulemaking process within 60 days after the effective date of a statute that authorizes agency rulemaking. Requires an agency to publish a notice of intent to adopt a rule in the Indiana Register at least 28

days in advance of notifying the public of the agency's intent to adopt a rule. Provides that an agency has discretion whether to solicit public comment on any aspect of the making of a rule. Authorizes the attorney general to require supporting documentation with respect to a rule submitted for the attorney general's approval. In the case of readoption of a rule subject to expiration, requires only publication of a notice to adopt the rule in the Indiana Register and eliminates the requirements that the agency publish: (1) the agency's intent to adopt a rule in a newspaper of general circulation in Marion County; (2) a notice of public hearing with respect to the rule to be readopted; and (3) the full text of the rule to be readopted; in the Indiana Register. Requires the secretary of state to distribute the original of any rule accepted for filing to the publisher of the Indiana administrative code. Eliminates provisions that specifically permit the secretary of state to distribute copies of a rule to various public officials.

House Bill 1137 (Public Law 177-2005)

Author: Murphy

Sponsor: Ford

Citations Affected: IC 2-5; 4-4; 4-5; 4-13; 4-13.1; 4-23; 4-34; 5-2; 5-3; 5-14; 5-15; 5-21; 5-22; 5-27; 6-1.1; 6-8.1; 10-13; 20-10.1; 20-12; 20-20; 22-4; 24-3; 25-1; 34-30; 36-2; 36-30

Effective: July 1, 2005

Creates the office of technology. Creates the office of technology by combining the duties performed by the division of information technology of the department of administration, the information technology oversight commission, and the enhanced data access review committee. Provides that the office of technology shall assist the intelenet commission in continuing to provide those services supplied by the intelenet commission as of July 1, 2005. Provides that the office of technology shall assist political subdivisions in coordinating operations of information technology systems. Directs the office of technology to appoint a group to develop accessibility standards. Transfers to the new office the duties, rules, personnel, equipment of the combined entities, and funds (except for funds held by the intelenet commission). Makes conforming changes. Provides that the chief information officer of the office of technology participates in decisions made by the higher education telecommunications system. Specifies that county auditors and county assessors shall (1) transmit electronic property assessment data records to the department of local government finance and the legislative services agency (LSA) in a standard format prescribed by the office of technology and approved by LSA; and (2) archive electronic property assessment data records in the fashion prescribed by the office of technology and approved by LSA. Repeals statutes establishing the state information technology oversight commission, establishing the state enhanced data access review committee, granting various powers to the intelenet commission, defining intelenet in the public purchasing law, and referring to the intelenet commission in the law concerning immunity.

House Bill 1611 (Public Law 144-2005)

Author: Noe

Sponsors: Merritt, Lubbers

Citations Affected: IC 4-13

Effective: July 1, 2005

Direct deposit of state payments. Requires direct deposit by electronic funds transfer of all payments to a person who has a contract with the state or submits invoices for payment from the

state. Provides a procedure for the auditor of state to grant a waiver of this requirement. Provides that a person who entered into a contract with the state before July 1, 2005, must authorize direct deposit of payments to the person or request a waiver of the requirement not later than June 30, 2006.

TRADE REGULATION

See also:

SB 379: Delivery sales of tobacco products.

[Alcohol and Tobacco]

SB 444: Methamphetamine; regulation of sale of certain over-counter drugs by retailers.

[Criminal Law and Procedure]

HB 1501: Inspector General and deceptive acts; compliance with telephone privacy act by state contractors.

[State Offices and Administration]

Senate Bill 453 (Public Law 19-2005)

Author: Clark

Sponsor: Torr

Citations Affected: IC 24-4

Effective: July 1, 2005

Rental car agreements. Amends the law concerning rental car agreements to: (1) change the term "collision damage waiver" to "damage waiver"; (2) specify that a damage waiver applies to certain physical or mechanical damage; (3) allow a damage waiver to exclude a waiver of renter liability for damage arising from use by an unauthorized driver; and (4) specify certain physical and mechanical damages, and the amount, for which a renter may be liable.

Senate Bill 509 (Public Law 165-2005)

Author: Clark

Sponsor: Koch

Citations Affected: IC 5-22; 24-4.7; 24-5; 32-27

Effective: Upon Passage (May 6, 2005); July 1, 2005

Deceptive acts, attorney general, and new home warranties. Defines an offer to cure a deceptive act as a cure that: (1) is reasonably calculated to remedy the consumer's loss; and (2) includes an additional amount of the greater of 10% of the value of the cure or \$500. Provides that: (1) the court may award additional damages for a willful deceptive act; (2) an offer to cure is only admissible as evidence in a proceeding to show that a party is not entitled to attorney's fees; and (3) a respondent may not be held liable for attorney's fees and court costs unless the actual damages awarded exceed the value of the offer to cure. Specifies that the real estate exclusion for uncured deceptive acts under this section includes a claim involving a construction defect that is brought against a construction professional. Requires a contractor that contracts with a governmental body to certify that the contractor, the contractor's affiliates, and persons acting on behalf of the contractor or its affiliates have not violated the terms of the telephone privacy act in the previous year, and will not violate the terms of the telephone privacy act, telephone solicitation act, or automatic dialing act for the duration of the contract. Permits the

attorney general to institute a civil action to void a contract if the contractor: (1) falsely asserts past compliance with the telephone privacy act; or (2) violates the terms of the telephone privacy act, telephone solicitation act, or automatic dialing act while the contract is in effect. Excludes contracts where one party is a political subdivision from compliance with the telephone privacy contracting restrictions. Provides that the warranty date for a new home begins on the date of first occupancy of the new home by the builder, a renter, a person living in the home at the request of the builder, or the initial home buyer. Provides that when a home is sold by the builder, a renter, or a person living in the home at the request of the builder the warranty must include the warranty date and the amount of time remaining under the warranty.

House Bill 1021 (Public Law 3-2005)

Author: Burton

Sponsors: Bray, Lanane

Citations Affected: IC 24-9

Effective: Retroactive (January 1, 2005)

Lending acts and practices. Specifies that a reference in Indiana's home loan practices law to rescission rights granted for a violation of law refers only to a violation of the federal Truth in Lending Act.

House Bill 1179 (Public Law 141-2005)

Author: Burton

Sponsors: Paul, Lewis

Citations Affected: IC 24-4.5; 24-9; 28-1; 28-5; 28-6.1; 28-7; 28-10; 28-11; 28-12; 28-13; 30-2; 32-17

Effective: Upon Passage (May 4, 2005); July 1, 2005

Updates references to federal laws and regulations in the Uniform Consumer Credit Code and the financial institutions statute. Specifies that Federal Reserve Regulation W applies to a nonmember bank or trust company. Establishes procedures for industrial loan and investment companies consistent with those for commercial banks. Allows credit unions to offer health savings accounts. Requires state chartered credit unions to submit call reports quarterly, instead of semiannually. Revises loan procedures and lending limits for certain loans by state chartered credit unions. Specifies that the director of the department of financial institutions (department) may hire independent contractors to assist with examinations. Extends the exemption from certain state laws preempted by federal law to subsidiaries of state chartered financial institutions. Allows the department to exercise certain enforcement powers jointly with federal regulators. Allows the director of the department to make a temporary appointment to fill a vacancy on an institution's board of directors under certain circumstances. Allows periodic premiums for consumer credit insurance on certain revolving accounts to be calculated by applying the premium rate to the amount of the insurance benefit for the cycle. Specifies that, for purposes of the statute governing the transfer of securities upon the death of the owner, a security account includes an investment management account or custody account with a corporate fiduciary or certain financial institutions with trust powers. Requires the department to develop proposed legislation concerning electronic banking. Allows a payroll savings plan administrator to receive reimbursement on certain static balances. Provides that a person who purchases or is assigned a high cost home loan is not subject to certain claims and defenses.

UTILITIES AND TRANSPORTATION

Senate Bill 30 (Public Law 114-2005)

Author: Alting

Sponsor: T. Brown

Citations Affected: IC 36-9; P.L. 28-2000

Effective: July 1, 2005

Committees, commissions, and authorities. Continues the rail corridor safety committee until November 1, 2010, and requires an additional report. Adds the following members to the Lake County regional transportation authority: (1) the mayor of Valparaiso or the mayor's designee; (2) the mayor of Portage or the mayor's designee; and (3) a member of the Porter County board of commissioners or the member's designee. Provides that the members appointed from Porter County may not vote on the distribution or payment of money by the authority unless Porter County pays a share of the authority's budget.

Senate Bill 63 (Public Law 59-2005)

Author: Landske

Sponsor: Duncan

Citations Affected: IC 8-4.5

Effective: July 1, 2005

Railroad corridors. Allows the department of transportation (department) to acquire a railroad's interest in a railroad corridor without approval from the transportation corridor planning board (board). Requires the department to: (1) contact railroad owners concerning corridors that the owners may abandon; (2) in consultation with affected agencies, prepare a list of corridors for preservation; and (3) hold one public meeting in a county through which the corridor passes. (Current law requires the department to hold one public meeting in each county through which the corridor passes.) Deletes the requirement that the board hold a public meeting to consider a recommendation by the department that the state acquire a railroad's interest in a corridor proposed to be abandoned.

Senate Bill 487 (Public Law 134-2005)

Author: Kruse

Sponsor: Leonard

Citations Affected: IC 8-22

Effective: July 1, 2005

Airport boards. Allows a board of aviation commissioners or an airport authority board to have five members. (Current law provides that in most cases a board must have four members.) Provides that in counties that do not have a consolidated or second class city, a person engaged in or employed in commercial aeronautics is not disqualified from being a member of a board of aviation commissioners or an airport authority board unless the engagement or employment is in a county the board serves. Provides that the board of an airport authority (other than the Indianapolis airport authority) that has entered into a federal interstate compact shall have seven members. Specifies the appointing authorities for the members.

Senate Bill 513 (Public Law 35-2005)

Authors: Weatherwax, Alting

Sponsor: Buck

Citations Affected: IC 8-23

Effective: July 1, 2005

INDOT construction contracts. Requires the department of transportation (INDOT) to adopt rules to establish a formal procedure for highway improvement projects involving the relocation of utility facilities. Requires the rules to provide for an exchange of information among INDOT, utilities, and highway construction contractors. Allows a civil action to be brought against INDOT, utilities, or construction contractors for costs resulting from a willful violation of the rules. Allows INDOT to acquire real property for the placement or relocation of a utility facility within the right-of-way of the state highway system. After June 30, 2005, prohibits INDOT from including in a construction contract or any related documents a provision prohibiting or restricting the receipt by a contractor of reasonable compensation or reasonable expenses directly related to unforeseen conditions during a construction contract as a result of: (1) conflicts with utility facilities; or (2) delays due to utility facility relocations. Requires INDOT to revise its standard construction specifications, drawings, and other documents to eliminate any prohibition or restriction on such compensation.

House Bill 1432 (Public Law 42-2005)

Author: J. Lutz

Sponsor: Merritt

Citations Affected: IC 8-1

Effective: Upon Passage (April 19, 2005)

Withdrawal from IURC jurisdiction. Allows a nonprofit corporation whose membership includes one or more rural electric membership corporations to withdraw from the jurisdiction of the utility regulatory commission (IURC).

House Bill 1495 (Public Law 183-2005)

Author: Foley

Sponsor: Server

Citations Affected: IC 8-23; 9-13; 9-19

Effective: Upon Passage (May 6, 2005)

Maintenance of roads occupied by railroad tracks. Provides that the department of transportation, a county, or a municipality may provide highway or road surface maintenance at a railroad crossing if the railroad approves the work in advance. Provides that highway or road construction and maintenance work at railroad crossings may be paid for from federal rail safety funds. Provides the standard by which a railroad must grade, surface, and maintain a public highway, public road, and railroad tracks at a railroad crossing. Provides the boundaries within which the railroad is responsible for the repair and maintenance of the grade and surface occupied by the railroad tracks. Permits a motor vehicle used to transport operating crew members of a railroad to display a lamp placed on the top of the motor vehicle with flashing yellow or amber lights.

ADDENDUM

JOINT RESOLUTIONS PASSED AMENDING THE INDIANA CONSTITUTION

Senate Joint Resolution 7 (Public Law 247-2005)

Authors: Hershman, Craycraft

Sponsor: Turner

Definition of marriage. Provides that marriage in Indiana consists only of the union of one man and one woman. Provides that Indiana law may not be construed to require that marital status or the legal incidents of marriage be conferred upon unmarried couples or groups. *This proposed amendment has not been previously agreed to by a general assembly.*

House Joint Resolution 4 (Public Law 248-2005)

Author: Ulmer

Sponsors: Steele, Weatherwax

Constitutional right to hunt and fish. Provides that the people have a right to hunt, fish, and harvest game subject to laws prescribed by the general assembly and rules prescribed by virtue of the authority of the general assembly. *This proposed amendment has not been previously agreed to by a general assembly.*

VETOED BILLS: Brief Description

Senate Enrolled Act 218: Safety Belts

House Enrolled Act 1142: Medicaid Matters and Organ Procurement

House Enrolled Act 1224: Aerospace Initiative

VETO OVERRIDES

During the 2005 Regular Session, which ended on April 29, 2005, the Indiana Senate and the House of Representatives did not vote to override any vetoes because no bills from the 2004 session were vetoed.

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BILL NUMBER TO PUBLIC LAW NUMBER

SB 1	P.L.193-2005	SB 175	P.L.31-2005
SB 2	P.L.68-2005	SB 179	P.L.119-2005
SB 8	.....	P.L.112-2005	SB 193	.....	P.L.17-2005
SB 12	.....	P.L.11-2005	SB 195	.....	P.L.63-2005
SB 13	.....	P.L.69-2005	SB 196	.....	P.L.120-2005
SB 14	.....	P.L.58-2005	SB 197	.....	P.L.46-2005
SB 15	.....	P.L.103-2005	SB 198	.....	P.L.85-2005
SB 18	.....	P.L.113-2005	SB 200	.....	P.L.105-2005
SB 30	.....	P.L.114-2005	SB 202	.....	P.L.121-2005
SB 32	.....	P.L.49-2005	SB 206	.....	P.L.122-2005
SB 43	.....	P.L.26-2005	SB 209	.....	P.L.73-2005
SB 44	.....	P.L.12-2005	SB 212	.....	P.L.32-2005
SB 47	.....	P.L.45-2005	SB 213	.....	P.L.195-2005
SB 49	.....	P.L.115-2005	SB 217	.....	P.L.151-2005
SB 54	.....	P.L.116-2005	SB 223	.....	P.L.86-2005
SB 56	.....	P.L.22-2005	SB 224	.....	P.L.152-2005
SB 60	.....	P.L.27-2005	SB 225	.....	P.L.18-2005
SB 63	.....	P.L.59-2005	SB 227	.....	P.L.123-2005
SB 64	.....	P.L.117-2005	SB 230	.....	P.L.64-2005
SB 66	.....	P.L.145-2005	SB 233	.....	P.L.124-2005
SB 67	.....	P.L.146-2005	SB 242	.....	P.L.153-2005
SB 75	.....	P.L.60-2005	SB 244	.....	P.L.74-2005
SB 76	.....	P.L.36-2005	SB 253	.....	P.L.125-2005
SB 77	.....	P.L.104-2005	SB 265	.....	P.L.15-2005
SB 79	.....	P.L.147-2005	SB 266	.....	P.L.75-2005
SB 88	.....	P.L.28-2005	SB 267	.....	P.L.23-2005
SB 89	.....	P.L.148-2005	SB 268	.....	P.L.126-2005
SB 92	.....	P.L.70-2005	SB 279	.....	P.L.154-2005
SB 95	.....	P.L.61-2005	SB 282	.....	P.L.155-2005
SB 96	.....	P.L.71-2005	SB 285	.....	P.L.106-2005
SB 98	.....	P.L.13-2005	SB 293	.....	P.L.47-2005
SB 100	.....	P.L.118-2005	SB 295	.....	P.L.156-2005
SB 101	.....	P.L.14-2005	SB 296	.....	P.L.127-2005
SB 111	.....	P.L.29-2005	SB 298	.....	P.L.226-2005
SB 117	.....	P.L.50-2005	SB 301	.....	P.L.65-2005
SB 125	.....	P.L.72-2005	SB 303	.....	P.L.33-2005
SB 127	.....	P.L.243-2005	SB 304	.....	P.L.157-2005
SB 132	.....	P.L.149-2005	SB 306	.....	P.L.87-2005
SB 139	.....	P.L.194-2005	SB 307	.....	P.L.227-2005
SB 140	.....	P.L.150-2005	SB 308	.....	P.L.88-2005
SB 149	.....	P.L.62-2005	SB 315	.....	P.L.34-2005
SB 164	P.L.51-2005	SB 322	P.L.128-2005
SB 165	P.L.52-2005	SB 326	P.L.76-2005
SB 172	P.L.30-2005	SB 327	P.L.228-2005

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SB 329	P.L.158-2005	SB 518	P.L.82-2005
SB 330	P.L.77-2005	SB 523	P.L.92-2005
SB 332	P.L.78-2005	SB 525	P.L.53-2005
SB 335	.....	P.L.229-2005	SB 527	.....	P.L.93-2005
SB 340	.....	P.L.129-2005	SB 529	.....	P.L.234-2005
SB 341	.....	P.L.230-2005	SB 536	.....	P.L.202-2005
SB 352	.....	P.L.66-2005	SB 538	.....	P.L.135-2005
SB 360	.....	P.L.196-2005	SB 539	.....	P.L.136-2005
SB 363	.....	P.L.159-2005	SB 549	.....	P.L.166-2005
SB 372	.....	P.L.89-2005	SB 557	.....	P.L.94-2005
SB 373	.....	P.L.79-2005	SB 564	.....	P.L.167-2005
SB 376	.....	P.L.107-2005	SB 566	.....	P.L.95-2005
SB 378	.....	P.L.191-2005	SB 568	.....	P.L.96-2005
SB 379	.....	P.L.160-2005	SB 569	.....	P.L.110-2005
SB 382	.....	P.L.161-2005	SB 571	.....	P.L.203-2005
SB 397	.....	P.L.231-2005	SB 572	.....	P.L.20-2005
SB 414	.....	P.L.197-2005	SB 574	.....	P.L.168-2005
SB 417	.....	P.L.108-2005	SB 578	.....	P.L.235-2005
SB 419	.....	P.L.198-2005	SB 590	.....	P.L.204-2005
SB 420	.....	P.L.162-2005	SB 591	.....	P.L.205-2005
SB 422	.....	P.L.130-2005	SB 598	.....	P.L.169-2005
SB 432	.....	P.L.163-2005	SB 603	.....	P.L.48-2005
SB 433	.....	P.L.164-2005	SB 607	.....	P.L.206-2005
SB 442	.....	P.L.80-2005	SB 609	.....	P.L.207-2005
SB 444	.....	P.L.192-2005	SB 611	.....	P.L.97-2005
SB 446	.....	P.L.131-2005	SB 612	.....	P.L.98-2005
SB 452	.....	P.L.232-2005	SB 615	.....	P.L.137-2005
SB 453	.....	P.L.19-2005	SB 619	.....	P.L.99-2005
SB 465	.....	P.L.16-2005	SB 620	.....	P.L.54-2005
SB 467	.....	P.L.233-2005	SB 626	.....	P.L.170-2005
SB 472	.....	P.L.90-2005	SB 634	.....	P.L.138-2005
SB 474	.....	P.L.132-2005	SJR 7	.....	P.L.247-2005
SB 481	.....	P.L.133-2005	HB 1001	.....	P.L.246-2005
SB 482	.....	P.L.81-2005	HB 1003	.....	P.L.4-2005
SB 483	.....	P.L.109-2005	HB 1004	.....	P.L.236-2005
SB 484	.....	P.L.24-2005	HB 1008	.....	P.L.83-2005
SB 487	.....	P.L.134-2005	HB 1021	.....	P.L.3-2005
SB 496	.....	P.L.199-2005	HB 1022	.....	P.L.5-2005
SB 498	.....	P.L.200-2005	HB 1032	.....	P.L.6-2005
SB 503	.....	P.L.91-2005	HB 1033	.....	P.L.208-2005
SB 508	.....	P.L.201-2005	HB 1039	.....	P.L.171-2005
SB 509	P.L.165-2005	HB 1052	P.L.84-2005
SB 512	P.L.111-2005	HB 1056	P.L.139-2005
SB 513	P.L.35-2005	HB 1057	P.L.209-2005

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